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2

CODE

WITH RESPECTS OF
G. W. BULL,
ENATE, ALBANY.

RELATING TO THE POOR

IN THE

STATE OF NEW YORK,

CONTAINING SUCH

LAWS OF A GENERAL AND SPECIAL NATURE

IN FORCE IN 1870 AS RELATE TO THE

SUPPORT AND MAINTENANCE OF THE POOR.

PREPARED BY
EDWARD WADE,
COUNSELOR AT LAW.

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CODE RELATING TO THE POOR.

PART ONE.

LAWS GENERAL IN THEIR NATURE RELATING TO THE POOR.

CHAP. I.

RELIEF AND SUPPORT OF INDIGENT PERSONS.*

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 10. Powers of court of sessions thereupon.
 11. In what cases warrant may be discharged by two justices.
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 13. Superintendents and overseers to have right to redeem certain real estate.
 14. No redemption to be had unless at time of making same the seizure of the real estate sought to be redeemed shall have been confirmed, &c.

* Section seven of chapter 434 of the Laws of 1870 authorizes and directs the secretary of state to cause to be compiled and published and distributed to certain officers, all the general and special poor laws now in force in this state. See post, § 1244.

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- 184. Fees of justices under this act.
- 185. Each officer in the several counties to report under oath all fines and penalties received by them on or before the fifth week in each year to the board of supervisors.
- 186. Each officer receiving moneys for fines or penalties, &c., to pay over to county treasurer; not applicable to town or city officers in certain cases.
- 187. Duty of district attorney in case of neglect of such officer to pay over.
- 188. Moneys belonging to town or city so paid over to treasurer of county to be distributed by such treasurer as board of supervisors may direct.
- 189. Neglect of any officer required to report or pay over as required by sections 1, 2 or 3 of chapter 404, 1863, declared to be a misdemeanor.
- 190. Regulations concerning brokers and penalties for violating such regulations, and penalties for violating certain provisions respecting banking; also for rail companies not furnishing cool drinking water for their passengers, &c., &c.

Paupers to be supported by relatives.
7 Cow. 225.
18 Barb. 100.
17 do. 410.
47 do 153.
7 How. 154, 106.

How compelled.

SECTION 1. The father, mother and children, who are of sufficient ability, of any poor person who is blind, old, lame, impotent or decrepit, so as to be unable by work to maintain himself, shall at their own charge relieve and maintain such poor person in such manner as shall be approved by the overseers of the poor of the town where such poor person may be. § 1, title 1, ch. 20, part 1, R. S. (1 R. S. 614.)

§ 2. Upon any failure of any such relative so to relieve and maintain any such poor person, it shall be the duty of the overseers of the poor of the town where such poor person may be to apply to the court of sessions* of the county where such relative may dwell for an order to compel such relief; of which application at least fourteen days' notice in writing shall be given by serving the same personally or by leaving the same at the last place of dwelling of the individual to whom the same may be

* "Sessions" substituted for "general sessions of the peace."

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directed, in case of his absence therefrom, with some person of mature age. § 2, same title.

§ 3. The court to which the said application may be made shall proceed in a summary way to hear the allegations and proofs of the parties, and shall order such of the relatives aforesaid of such poor person as appear to be of sufficient ability, to relieve and maintain such person, and shall therein specify the sum which will be sufficient for the support of such poor person, to be paid weekly. And the said court shall therein direct the relative or relatives who shall perform that duty in the following order: The father shall be first required to maintain such poor person; if there be none or he be not of sufficient ability, then the children of such poor person; if there be none or they be not of sufficient ability, then the mother. § 3, title 1, ch. 20, part 1, R. S. (1 R. S. 614.)

Powers of courts.
17 Barb. 414.

§ 4. If it shall appear that any such relative is unable wholly to maintain such poor person, but is able to contribute towards his support, the court may in its discretion direct two or more relatives of different degrees to maintain such poor person, and shall prescribe the proportion which each shall contribute for that purpose; and if it shall appear that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person, but are able to contribute something, the court shall direct the sum in proportion to their ability, which such relatives shall pay weekly for that purpose. § 4, same title.

Powers of court; proportions.

§ 5. Such order may specify the time during which the relatives aforesaid shall maintain such poor person or during which any of the said sums so directed by the court shall be paid, or it may be indefinite and until the further order of the court. The court may from time to time vary such order whenever circumstances shall require it, on the application either of any relative affected thereby or of any overseers of the poor of the town, upon fourteen days' notice being given. § 5, same title, 1 R. S. 615.

1 R. S. 615.

Order of court.

§ 6. The costs and expenses of such application shall be ascertained by the court and paid by the relatives against whom any order may be made; and the payment thereof and obedience to the order of maintenance and to any order for the payment of money may be enforced by process of attachment. § 6, same title.

How enforced; costs.

§ 7. If any relative who shall have been required by such order to relieve or maintain any poor person shall neglect to do so in such manner as shall be approved by the overseers of the poor of the town where such poor

Suits by overseers.
18 Barb. 100
17 Id. 410.

person may be, and shall neglect to pay to such overseers weekly the sum prescribed by the court for the support of such poor person, the said overseers may maintain an action as for moneys had and received against such relative, and shall recover therein the sum so prescribed by the said court for every week the said order shall have been disobeyed, up to the time of such recovery, with costs of suit, for the use of the poor. § 7, title 1, ch. 20, part 1, R. S., (615.)

Father, &c.
absconding.
21 Wend.
173.
23 Barb. 236.
44 id. 182.

§ 8. Whenever the father, or mother being a widow or living separate from her husband, shall abscond from their children, or a husband from his wife, leaving any of them chargeable or likely to become chargeable upon the public for their support, the overseers of the poor of the town where such wife or children may be may apply to any two justices of the peace of any county in which any estate, real or personal, of the said father, mother, or husband may be situated, for a warrant to seize the same. Upon due proof of the facts aforesaid, the said justices shall issue their warrant authorizing the said overseers to take and seize the goods, chattels and effects, things in action, and the lands and tenements of the person so absconding. § 8, same title.

Effect of
warrant.
23 Barb. 236.

§ 9. By virtue of such warrant the said overseers may seize and take the said property wherever the same may be found, in the same county; and shall be vested with all the right and title to the said property which the person so absconding had at the time of his or her departure. All sales and transfers of any personal property left in the county from which such person absconded, made by him after the issuing of such warrant, whether in payment of an antecedent debt, or for a new consideration, shall be absolutely void. The overseers shall immediately make an inventory of the property so seized by them, and return the same, together with their proceedings, to the next court of sessions of the county where such overseers reside, there to be filed. § 9, title 1, ch. 20, part 1. (1 R. S. 615, 616.)

Duty of
overseers.
1 R. S. 166.

Proceed-
ings by
sessions.
23 Barb. 236.

§ 10. The said court, upon inquiring into the facts and circumstances of the case, may confirm the said warrant and seizure, or may discharge the same; and, if the same be confirmed, shall, from time to time, direct what part of the personal property shall be sold, and how much of the proceeds of such sale and of the rents and profits of the real estate, if any, shall be applied towards the maintenance of the children or the wife of the person so absconding. § 10, same title. (1 R. S. 616.)

Warrant,
when

§ 11. If the party against whom such warrant shall issue, return and support the wife or children so aban-

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abandoned, or give security, satisfactory to any two justices of the town, to the overseers of the poor of the town, that the wife or children so abandoned shall not become, or thereafter be, chargeable to the town or county, then such warrant shall be discharged by an order of such justices, and the property taken by virtue thereof shall be restored to such party. § 11, title 1, ch. 20, part 1. (1. R. S. 616.)

Justice may discharge.

§ 12. The overseers shall sell at public vendue, the property so ordered to be sold, and shall receive the rents and profits of the real estate of the person so absconding, and, in those towns which are required to support their own poor, the overseers shall apply the same to the maintaining, bringing up and providing for the wife, child or children so left and abandoned, and for that purpose shall draw on the county treasurer for the said proceeds, as hereinafter directed. They shall account to the court of sessions for all moneys so received by them, and for the application thereof, from time to time, and may be compelled by the said court to render such account at any time. § 12, same title.

Powers and duties of overseers.

§ 13. The county superintendents and overseers of the poor in the several counties of the state, except the county of New York, shall have the same right to redeem the real estate which may have been seized by them pursuant to the provisions of title one of chapter twenty of part one of the Revised Statutes, as is now possessed by judgment creditors under the said article second of title five of chapter six of part three of the Revised Statutes. § 1, ch. 473* 1862.

Superintendents of the poor may redeem on sheriff's sales.

§ 14. No such redemption shall be made by the said superintendents or overseers, unless at the time of making such redemption the seizure of the real estate sought to be redeemed shall have been confirmed by the court of sessions of the county where such premises may be situated, nor unless such real estate shall, at the time of making such redemption, be held by the said superintendents or overseers, under and by virtue of the seizure made by them pursuant to the provisions aforesaid. § 2, same ch.

When their seizure is confirmed.

§ 15. To entitle such superintendents or overseers to acquire the title of the original purchaser, or to be substituted as purchaser from any other creditor, pursuant to the provisions aforesaid, they shall present to and leave with such purchaser or creditor, or the officer who made the sale, the following evidence of their right:

Redemption regulated.

1. A copy of the order of the court of sessions, confirming the warrant and seizure of such real estate, duly certified to by the clerk of the said court of sessions.

* An act to amend article two of title five of chapter six of part three of the Revised Statutes entitled "Of executions against property." Passed April 23, 1862.

2. An affidavit by one of such superintendents or overseers that the real estate sought to be redeemed is held by such superintendents or overseers under such warrant and seizure, and that the same have not been discharged, annulled or reversed, but are then in full force. § 3, ch 473, 1862.

Poor funds.

§ 16. The said superintendents or overseers shall, for the purpose of making such redemption, have power to use any moneys in their hands belonging to the poor funds of their respective towns or counties. § 4, same ch.

Moneys used for redemption.

§ 17. The moneys which may be used by them for the purpose aforesaid, shall be repaid, together with interest thereon, at the rate of seven per cent per annum from the time of such redemption, out of the first moneys which may be received by them from the rent or sale of the premises so redeemed. § 5, same ch.

When warrant of seizure may be discharged.

§ 18. If such redemption shall be made, and the person against whom the warrant was issued and seizure made, under the provisions of the said title one of chapter twenty of part one, shall apply to have the said warrant discharged, he shall, before such warrant and seizure shall be discharged, in addition to the security required to be given by section eleven of the said title, pay to such superintendents or overseers the sum so paid by them to redeem the said real estate, together with interest thereon, at the rate of seven per cent per annum from the time of such redemption. § 6, same ch.

County superintendents.

§ 19. In those counties where all the poor are a charge upon the county, the superintendents of the poor shall be vested with the same powers, rights and authority as are hereinbefore given to the overseers of the poor of any town, in respect to compelling relatives to maintain paupers, and in respect to the seizure of the property of any parent absconding and abandoning his or her family, and shall be entitled to the like actions and remedies in their names, and shall perform the duties hereinbefore required of overseers, and subject to the same obligations and control. § 13, title 1, ch. 20, part 1, R. S. (1 R. S. 616.)

Paupers to be relieved.

§ 20. Every poor person who is blind, lame, old, sick, impotent or decrepit, or in any other way disabled or enfeebled, so as to be unable by his work to maintain himself, shall be maintained by the county or town in which he may be, according to the following provisions. § 14, same title.

Provision respecting the number of superintendents.
19 How. 551.

§ 21. It shall be lawful hereafter for the board of supervisors in any county, at any annual meeting of such board, to direct by resolution that thereafter only one county superintendent of the poor shall be elected in and for such county, who shall hold his office for three years;

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but in all counties where no such resolution shall have been passed, three county superintendents of the poor shall be elected. And after the board of supervisors of any county shall have, by resolution, directed that only one superintendent of the poor shall be elected in and for such county, the said board may, at any annual meeting thereof, revoke such resolution, and may, by resolution, direct that thereafter three superintendents of the poor shall be elected in and for such county. The superintendent of the poor who shall be in office at the time of the adoption of the resolution hereby authorized, shall hold his office (subject to all provisions of law) until the expiration of the term of office for which he was elected. If the term of office of such superintendent will expire on the thirty-first day of December of the same year of the adoption of said resolution, then three superintendents of the poor for said county shall be elected at the next general election, whose term of office respectively shall be determined in accordance with the provisions of section three of said chapter four hundred and ninety-eight. If the term of office of the superintendent of the poor in office at the time of the adoption of said resolution will not expire during the year of the adoption of said resolution, then, at the general election to be held next thereafter, there shall be elected two superintendents of the poor for said county, and their term of office shall be determined in accordance with the provisions of section three of chapter four hundred and ninety-eight of the laws of eighteen hundred and forty-seven, but for such term that the terms of the three superintendents of the poor shall so expire that one of them shall be to be elected at each annual election thereafter. In any county where such resolution has been already adopted, there shall be elected annually thereafter, at the general election in each year, one county superintendent of the poor, who shall hold his office for three years; and, in each of the counties of this state having a county poor house, the superintendent of the poor of such counties, or superintendents, if there be more than one, shall appoint a keeper or keepers of such county poor house, and shall have full power, at any time, to remove any keeper and appoint another in his stead. And if the keeper of any such poor house shall neglect or refuse to leave the same, or surrender to the superintendent or superintendents the possession of the same, when such possession is demanded, the said superintendent or superintendents shall have power and are hereby authorized to proceed against said keeper in his or their name of office, and to remove said keeper from such poor house by summary proceedings, in

Election of
superin-
tendents.

Term of
office.

To appoint
keeper.

Power to
remove
keeper.

Warrant of removal.	the same manner as is provided by article second of chapter eight of part third of the Revised Statutes, entitled "Summary proceedings to recover possession of land in other cases," so far as the same are applicable, except that it shall only be necessary for the superintendent to set forth in his affidavit, or prove upon the hearing the following facts, to entitle him to the warrant of removal.
Saving clause.	1. That the party commencing the proceedings is the superintendent or superintendents of the poor of the county. 2. That the county has a county poor house, and that the keeper is in possession of such poor house, or living therein, and that he refuses to surrender up the possession of such poor house, or remove from the same, after the possession shall have been demanded by such superintendent of the poor. But nothing in this act shall affect the tenure of office of any present incumbent. § 1, ch. 498, 1847, as amended by § 1, ch. 298, 1862.
Tenure of office and classification of superintendents.	§ 22. In counties where only one superintendent of the poor shall be chosen, he shall hold his office for three years, but in counties where three are chosen, one of the said superintendents so elected shall hold his office for one year, one for two years, and one for three years, and the clerk of the county shall, on the first day of January after such election, determine by lot which of said superintendents shall hold his office for one year, which for two, and which for three years, and annually thereafter there shall be elected one superintendent, who shall hold his office for three years. § 3, ch. 498, 1847.
Vacancies, how filled.	§ 23. Boards of supervisors shall appoint county superintendents of the poor or county treasurers, to fill vacancies which may happen in such offices. § 4, same ch.
Laws to apply.	§ 24. All laws now in force, not inconsistent with the provisions of this act, applicable to county superintendents of the poor and county treasurers, shall apply to the officers elected or appointed pursuant to this act, and all laws and parts of laws inconsistent with the provisions of this act, are hereby repealed. § 5, same ch.
Repeal of inconsistent laws.	§ 25. None of the provisions of this act shall apply to the city and county of New York. § 6, same ch.
New York excepted.	§ 26. In case any vacancy shall happen or exist in the office of superintendent of the poor in any county in this state, by death, refusal to serve, or otherwise, it shall be lawful for the first judge of the county in which such vacancy shall be, to appoint some proper person to fill the said vacancy, who shall hold and exercise the duties of the said office until the next annual meeting of the board of supervisors of such county, which appointment shall be in writing, signed by the said judge, and filed
Vacancy in office of county superintendent. See ante ch. 498, 1847, (sec. 23.)	

in the office of the clerk of the said county. § 1, ch. 299, 1835, amending act of April 25, 1832.

§ 27. Superintendents of the poor, hereafter to be elected at any annual election, shall enter on the duties of their office on the first day of January next after such election. § 4, ch. 116, 1849.

When to enter on their duties hereafter.

§ 28. Superintendents of the poor, hereafter to be elected, may have until the first day of January next after the election, to take the oath of office and file their official bond. § 4, ch. 12, 1850.

Time of filing bond.

§ 29. It shall be the duty of the board of supervisors of the several counties to fix the penalty of the bonds of superintendents of the poor, at their next annual session; and the sureties may be approved by the county clerk, in the recess of the board of supervisors. § 5, same ch.

Penalty of bonds to be fixed by supervisors.

§ 30. Every person hereafter elected to the office of superintendent of the poor shall, within ten days after his election, give a bond to the supervisors, with two or more sufficient sureties, to be approved by the board of supervisors, and in such sum as they shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay according to law all moneys which shall come to his hands as superintendent of the poor, and render a just and true account thereof to the board of supervisors. § 1, ch. 327, 1848.

Bond to be executed.

Time of filing bond extended. See ch. 12, 1850, ante sec. 28.

§ 31. Such bond with the approbation of the board of supervisors indorsed thereon by their clerk, shall be filed in the office of the county clerk. § 2, same ch.

And filed.

§ 32. This act shall not apply to the city of New York. § 3, same ch.

Except New York.

§ 33. Every person hereafter elected or appointed to the office of overseer of the poor in the several towns of this state, within ten days after being notified of his election or appointment, shall execute to the supervisor of the town a bond, with one or more sureties, to be approved by such supervisor, conditioned that he will faithfully discharge the duties of his office, and will pay according to law all moneys which shall come into his hands as such overseer. § 1, ch. 269, 1855.

Overseer to give bond.

§ 34. Such bond, with the approval of the supervisor indorsed thereon, shall, within five days thereafter, be filed in the office of the town clerk of such town. § 2, same ch.

To be filed.

§ 35. In any county in this state, in which the board of supervisors is authorized by law to direct by resolution that thereafter only one county superintendent of the poor should or shall be elected in and for such county, and has so directed, or may hereafter so direct, the person elected as superintendent of the poor of such county, at

In counties where more than one superintendent elected persons elected superintendent to

hold office
for three
years. See
ante, sec. 21.

the election of such officer next after the passage of such resolution, shall be, and is, superintendent of the poor of such county, to hold his office for three years from the first day of January next after his election; and at the general election next preceding the expiration of his said term, and triennially thereafter, one superintendent of the poor shall be elected in and for such county. § 1, ch. 188, 1854.

When more
than one
unexpired,
terms not to
be affected
by resolu-
tion of su-
pervisors
appointing
one. See
ante sec. 21.

§ 36. In any county having more than one superintendent of the poor in office at the time of the passage of such resolution, heretofore or hereafter, as specified in the preceding section, the passage of such resolution shall not be deemed to affect the then unexpired terms of such superintendents; but the place of those then having one or two years yet to serve, whenever vacated by death, resignation, or expiration of their term, or otherwise, shall not be filled either by appointment or election. § 2, same ch.

Majority to
transact
business.
See ante
secs. 21-25.

§ 37. A majority of the persons so appointed shall be at all times competent to transact business, and to execute any powers vested in the board of superintendents. They shall be allowed such sum for their actual attendance and services, as the board of supervisors of their county shall deem reasonable. § 15, title 1, ch. 20, part 1, R. S. (1 R. S. 617, as modified by ch. 498 of 1847.)

To be a cor-
poration;
powers and
duties.
8 Paige, 406.
22 Barb. 248.
11 id. 117.

§ 38. They shall be a corporation by the name of the superintendents of the poor of the county for which they shall be appointed, and shall possess the usual powers of a corporation for public purposes; they shall meet as often as the supervisors of the county shall direct, at the county poor-house, if there be one, or at the place of holding courts in their county, or at one of the places of holding courts, if there be more than one, and at such other times and places as they shall think expedient; they shall have a general superintendence and care of the county poor who may be in their respective counties; and shall have power, and it shall be their duty,

To provide
places, &c.

1. To provide suitable places for the keeping of such poor, when so directed by the supervisors of any county, where houses for that purpose have not been erected by the county; and for that purpose to rent a tenement or tenements, and land not exceeding fifty acres, and to cause the poor of the county to be maintained in such places;

To make
rules, &c.

2. To establish and ordain prudential rules, regulations and by-laws for the government and good order of such places so provided, and of the county poor-houses, and for the employment, relief, management and government of the persons therein placed; but such rules and regu-

lations shall not be valid until sanctioned by a majority of the judges of the county courts of such county, in writing;

3. To employ suitable persons to be keepers of such houses or places, and all necessary officers and servants, and to vest such powers in them for the government of such houses as shall be necessary, reserving to the paupers who may be placed under the care of such keepers, the right of appeal to the superintendents;

To employ
keepers, &c.
See ante § 21.

4. In the counties where a poor-house is erected, or other place provided for the poor, to purchase the furniture, implements, and materials that shall be necessary from time to time for the maintenance of the poor therein, and their employment in labor or manufactures, and to sell and dispose of the proceeds of such labor as they shall deem expedient;

To purchase
materials,
&c.

5. To prescribe the rate of allowance to be made to any persons for bringing paupers to the county poor-house or place provided for the poor, subject to such alterations as the board of supervisors may, by a general resolution, make;

Allowance
for bringing
paupers, &c.

6. To authorize the keepers of such houses or places so provided to certify the amount due to any person for bringing such paupers; which amount shall be paid by the county treasurer on the production of such certificate countersigned and allowed by any two superintendents;

1 R. S. 612.

Payment
of such
allowance.

7. To decide any dispute that shall arise concerning the settlement of any poor person summarily upon a hearing of the parties; and for that purpose to issue subpoenas to compel the attendance of witnesses, and to administer oaths to them in the same manner, with the like power to enforce such process as is given to justices of the peace in any matter cognizable by them; their decisions shall be filed in the office of the county clerk within thirty days after they are made, and shall be conclusive and final upon all parties interested;

To decide
disputes
respecting
settlements.

8. To direct the commencement of suits by any overseers of the poor who shall be entitled to prosecute for any penalties or upon any recognizances, bonds or securities taken for the indemnity of any town or of the county; and in case of the neglect of any such overseer, to commence and conduct such suits without the authority of such overseers in their names;

To direct
and com-
mence suits.

9. To draw, from time to time, on the county treasurer for all necessary expenses incurred in the discharge of their duties, which drafts shall be paid by him out of the moneys placed in his hands for the support of the poor;

To draw on
county
treasurer.

10. To render to the board of supervisors of their county, at their annual meeting, an account of all moneys received and expended by them or under their direction, and of all their proceedings;

To account.

11. To pay over all moneys remaining in their hands, within fifteen days after the expiration of their office, to

To pay over
moneys.

the county treasurer or to their successors. § 16, title 1. ch. 20, part 1, R. S. (1 R. S. 617, 618.)

Accounts of
overseers of
the poor,
how audited
4 Hill, 559.
5 Denio, 564.
9 Barb. 237.

§ 39. The superintendents of the poor in the several counties in this state, shall audit and settle all accounts of overseers of the poor, justices of the peace and all other persons, for services relating to the support, relief or transportation of county paupers; and shall from time to time draw on the county treasurer for the amount of the accounts which they shall so audit and settle. § 1, ch. 26, 1832.

Duty of
town
auditors.

See Post,
§§ 89, 90.

§ 40. The town auditors in the several towns of this state, shall examine the accounts of the overseers of the poor of such town, for all moneys received and disbursed by them, and shall meet for the purpose of examining the same, annually, in each town in this state, on the Tuesday preceding the annual town meeting to be held in each town. Part of § 1, ch. 172, 1863. All town officers who receive or disburse any moneys belonging to their respective towns shall, on the last Tuesday preceding the annual town meeting of their town, account with the board of town officers of such town for all moneys received and disbursed by them by virtue of their offices. Part of § 2, same ch.

Auditors
to state
accounts.

§ 41. The said board of town auditors shall make a statement of such accounts, and append thereto a certificate, to be signed by a majority of the board, showing the state of the accounts of the said officers at the date of the certificate; which statement and certificate shall be filed with the town clerk of the town, and be by him produced at the next annual town meeting, and publicly read. Part of § 3, same ch.

Children to
be taught.

§ 42. The superintendents of the county poor-houses which now are or hereafter may be established by law, are hereby required to cause all county and town paupers, over the age of five and under the age of sixteen years, who now are or hereafter may be in said poor-houses, to be taught and educated, in the same manner as children are now taught in the common schools of this state, at least one-fourth part of the time the said paupers shall remain in said poor-houses. § 4, ch. 277, 1831.

Expense.

§ 43. The expense of teaching and educating the said paupers shall be paid by the counties and towns, in the same manner as other contingent charges are paid for the support of said paupers. § 5, same ch.

Keeper and
physician.
See ante § 21

§ 44. In each county where there is more than one superintendent of the poor, and where there is a poor-house, the superintendents shall appoint a keeper and physician for the poor-house. Ch. 532, 1851.

County
poor-houses
2 Barb. 248.

§ 45. The board of supervisors of any county in this state in which a county poor-house is not already erected, may, at any annual or special meeting thereof, determine

to erect such house for the reception of the poor of their county; and upon filing such determination with the clerk of the county, they may direct the superintendents of the poor of such county to purchase one or more tracts of land, not exceeding two hundred acres, and to erect thereon one or more suitable buildings for the purpose aforesaid. To defray the expenses of such purchase and buildings, the said board may raise by tax, on the real and personal estate of the inhabitants of the same county, a sum not exceeding seven thousand dollars, by such installments and at such times as they may judge expedient. The said tax shall be raised, assessed and collected in the same manner as the other county charges, and shall be paid by the county treasurer to the superintendents of the poor of the county, to be applied in defraying the expenses aforesaid. § 17, title 1, ch. 20, part 1, R. S. (1 R. S. 618, 619.)

Expense limited.

1 R. S. 619.

§ 46. The superintendents of county poor-houses, that have been erected, or shall be erected, pursuant to any law, shall be superintendents of the poor of their counties respectively, and shall possess all the powers, and be subject to all the regulations hereinbefore specified in relation to such superintendents. § 18, same ch. (1 R. S. 619.)

Superintendents of county poor houses. See next section.

§ 47. No supervisor of any town, or county treasurer, shall be elected or appointed to hold the office of superintendent of the poor, nor shall any superintendent of the poor be appointed to the office of keeper of the poor-house in any county of this state. Ch. 352, 1829, as amended 1853, ch. 80.

Supervisors and county treasurer not to hold office of superintendent

§ 48. All moneys which shall be received by the commissioners of excise in any town or city of any county in which the supervisors shall have determined to abolish the distinction between town poor and county poor, shall be by them paid over to the county treasurer, within thirty days after the receipt thereof; and they shall, at the same time, deliver a certified copy of the resolutions of the board of excise, by which the sum to be paid for licenses by grocers, tavern-keepers or others, shall be fixed. Any commissioner of excise neglecting the said duty, or any part thereof, shall forfeit fifty dollars, to be recovered by and in the name of the superintendents of the poor of the county; and shall, also, be liable to an action by and in the name of the county treasurer, for all moneys received by them, with the interest thereon, from the time the same should have been paid over. § 19, title 1, ch. 20, part 1, R. S. (1 R. S. 619, 620.)

Excise money, when to be paid to county treasurer.

Penalty. See Laws 1857, relating to excise-post.

§ 49. All moneys which shall be collected by overseers of the poor of any town, in a county where the poor are

Also all other moneys

received by
overseers.
16 How. 200.

Penalty.

Notice of
determina-
tion of
supervisors
&c.

1 R. S. 620.

Excise
money, &c.,
in other
counties.
See Laws
1857 relating
to excise,
post.

Poor to be
a county
charge in
certain
counties.
See post,
"Counties."

all a county charge, from the relatives of any poor person bound to contribute to his support; or from the sale of any personal property, or the rents and profits of the real property of any person who shall abscond, leaving a wife or children; or received for any fines, penalties or forfeitures, which by law are directed to be applied to the support of the poor; or collected on any bond or other security that shall be given for the benefit or indemnity of any town, or of the overseers or inhabitants of such town; and all other moneys which shall be received by such overseers in their official capacity, shall be by them paid over, within thirty days after the receipt of the same, to the county treasurer, for the benefit of the poor; and if not so paid, the same may be recovered in an action, to be brought by and in the name of the county treasurer, with interest at the rate of ten dollars on the hundred for a year, from the time the same should have been paid. § 20, title 1, ch. 20, part 1. (1 R. S. 619.)

§ 50. In those counties where the supervisors shall determine to abolish the distinction between town poor and county poor, and to have all the poor a county charge, it shall be the duty of the clerk of the board of supervisors, immediately to serve notice of such determination on the overseers of the poor of every town in the county. Within three months after the service of such notice, the overseers of the poor of every town shall pay over all moneys which shall remain in their hands, after discharging all demands against them as such overseers, to the county treasurer, to be applied by him towards the future taxes of such town. In case of neglect to pay over such moneys, the county treasurer may maintain an action therefor, in which he shall recover interest on the moneys withheld, from the time they should have been paid over. § 21, title 1, ch. 20, part 1. (1 R. S. 619, 620.)

§ 51. In those counties in which the distinction between county poor and town poor prevails, the excise money collected in any town, and all penalties given by law to the overseers of the poor, when received, shall be applied to the use of the poor of the town in which such money and penalties shall be collected. § 22, same title. (1 R. S. 620.)

§ 52. In the counties of Warren, Washington, Saratoga, and Genesee, poor persons entitled to support as aforesaid, shall be maintained at the expense of the said counties respectively; and all costs and charges attending the examinations, conveyance, support, and necessary expenses of paupers within the said counties respectively, shall be a charge upon the said counties, without reference to the number or expense of paupers which may be

sent to the poor-house of said counties, from or by any of the towns therein. The said charges and expenses shall be reported by the superintendents of the poor of the said counties to the boards of supervisors therein respectively, and shall be assessed, levied and collected of and upon the taxable real and personal estate in the said counties, in the same manner as other county charges. § 23, title 1, ch. 20, part 1, R. S. (1 R. S. 620.)

§ 53. The board of supervisors of any county in this state, at any annual meeting, or at any special meeting called for that purpose, may determine to abolish all distinction between county poor and town poor in their counties respectively, and to have the expense of maintaining all the poor a county charge; and upon their making such determination, duly certified by the clerk of the board, with the county clerk, the said poor shall be maintained, and the expense thereof defrayed in the manner prescribed in the preceding section relative to the counties of Warren, Washington, Saratoga and Genesee. § 24, same title.

When to become so in other counties. § Denio, 197. See §§ 54, 55, post.

§ 54. The said boards of supervisors shall have power, and they are hereby authorized to abolish or revive the distinction between the town and county poor of such county. Sub. 10 of § 4, ch. 194,* 1849.

Town and county poor distinction between a.c. 49 Barb. 484. See Post. § 63.

§ 55. None of the powers prescribed in the last section shall be exercised except by a vote of a majority of all the members elected in the county, nor shall such powers be exercised under the fifth, tenth and thirteenth subdivisions of said section, without a vote of two-thirds of all the members elected to such boards. § 5, ch. 194, 1849.

Powers, by what vote to be exercised.

§ 56. When the supervisors of any county shall have determined to abolish the distinction between county poor and town poor, the clerk of the board shall serve a copy of the resolution making such determination, upon the clerk of each town, village or city, within such county. § 25, title 1, ch. 20, part 1. (1 R. S. 620.)

Notice to be given. § Den. 179.

§ 57. After such resolution shall be served, it shall be the duty of the commissioners of excise in the several towns of such county, and of the officers of every city and village therein, to pay over to the treasurer of the county all moneys which shall thereafter be received for licenses to tavern keepers, retailers or grocers, and all moneys which shall be recovered as penalties for violating the excise laws or any other laws, and which are directed to be paid to the overseers of the poor. § 26, title 1, ch. 20. (1 R. S. 620, 621.)

Excise money, &c., to be paid to county treasurer.

13 How. 308. See Laws 1857 relating to excise.

§ 58. If any person, having in his hands any moneys directed to be paid to the county treasurer by the pre-

Payment, how compelled.

* An act to vest in the board of supervisors certain legislative powers, and to prescribe their fees for certain services. Passed April 2, 1849.

ceding section, shall neglect or refuse to pay the same within thirty days after demand thereof, the county treasurer may maintain an action in his name of office for the recovery thereof, together with interest from the time of such demand. § 27, title 1, ch. 20, part 1, R. S. (1 R. S. 621.)

Money, how
to be appro-
priated.

§ 59. It shall be lawful for the inhabitants of any town in such counties as have abolished the distinction between county and town paupers, and in such counties as may hereafter abolish such distinction, at any annual or special town meeting, to appropriate all or any part of the moneys and funds remaining in the hands of the overseers of the poor of such town after such abolition, to such objects, and for such purposes, as shall be determined on at such meeting. § 1, ch. 287, 1829.

School fund

*§ 60. If any such meeting shall appropriate such money or funds for the benefit of common schools in their town, the money so appropriated shall be denominated "the common school fund of such town," and shall be under the care and superintendence of the supervisor of said town. § 2, same ch., as modified by § 29, ch. 179, 1856.

Money and
securities to
be delivered
to super-
visor.

*§ 61. If any such meeting shall appropriate such money or funds for the benefit of common schools, after such appropriation shall have been made, and after the supervisor shall have taken the oath of office, the overseers of the poor of such towns shall then pay over and deliver to the said supervisor, such moneys, bonds, mortgages, notes and other securities, remaining in his hands as such overseers of the poor, as will comport with the appropriation made for the benefit of common schools of their town. § 3, same ch., as modified.

Suits.

*§ 62. The said supervisor may sue for and collect, in his name of office, the money due or to become due on such bonds, mortgages, notes or other securities, and also all other securities by him taken under the provisions of this act. § 4, same ch., as modified.

Poor of
other coun-
ties, how
supported.
See " Coun-
ties," post.
& §§ 54, 55,
ante.

§ 63. In all the other counties of this state, except the counties of Warren, Washington, Saratoga, Genesee, and those counties of which the board of supervisors shall file the determination aforesaid, the poor having a settlement in any town in such county, shall be supported at the expense of such town, and the poor not having such settlement shall be supported by the county in which they may be. § 28, title 1, ch. 20, part 1. (1 R. S. 621.)

Settlements
how gained.
§ Cow. 537.

§ 64. Every person of full age, who, after this chapter shall commence and take effect, shall be a resident and

* In §§ 2, 3, 4, of ch. 287, 1829, wherever the words "commissioners of common schools," or the word "commissioners," occur, such words or word have been omitted, and in place thereof the word supervisor has been substituted.

inhabitant of any town for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such town. A minor may be emancipated from his or her father, and may gain a settlement: As amended by § 8, ch. 320, 1830. <sup>19 John. 237.
14 do 200.</sup>

1. If a female, by being married and living for one year with her husband, in which case the husband's settlement shall determine that of the wife; ^{Minors.}

2. If a male, by being married and residing for one year separately from the family of his father;

3. By being bound as an apprentice, and serving one year by virtue of such indentures;

4. By being hired and actually serving for one year for wages to be paid to such minor. A woman of full age, by marrying, shall acquire the settlement of her husband, if he have any. And until a poor person shall have gained a settlement in his own right, his settlement shall be deemed that of his father or mother; but no child born in any place used and occupied as a residence for the poor of any town, city or county, shall gain any settlement merely by reason of the place of such birth; nor shall any child born while the mother is a county pauper, gain any settlement by reason of the place of its birth. ^{Married women.}
§ 29, title 1, ch. 20, part 1, R. S. (1 R. S. 621.)

§ 65. But no residence of any person as a pauper in the county poor-house, or place provided for the support of the poor, or in any town while supported at the expense of any other town or county, shall operate to give such pauper a settlement in the town where such actual residence may be had. <sup>Qualifica-
tion of last
section.</sup> § 30, same title.

§ 66. No person shall be removed as a pauper from any city or town, to any other city or town of the same or any other county, nor from any county to any other county; but every poor person shall be supported in the town or county where he may be, as follows: <sup>1 R. S. 622.
Paupers
not to be
removed,
how sup-
ported.
8 Paige, 408.
15 N. Y. 242.
7 Johns. 94.</sup>

1. If he hath gained a settlement in any town in such county, he shall be maintained by such town;

2. If he hath not gained a settlement in the county in which he shall become poor, sick or infirm, he shall be supported and relieved by the superintendents of the poor, at the expense of the county;

3. If such person be in a county where the distinction between town and county poor is abolished, he shall in like manner be supported at the expense of the county, and in both the cases aforesaid, proceedings for his relief shall be had as hereinafter directed; <sup>1 Smith, 341.
13 Barb. 590.</sup>

4. If such pauper be in a county where the respective towns are liable to support their poor, and hath gained a settlement in some other town of the same county than

that in which he may then be, he shall be supported at the expense of the town where he may be, and the overseers shall give notice in writing to the overseers of the town to which such pauper shall belong, or to one of them, requiring them to provide for the relief and support of such pauper. § 31, title 1, ch. 20, part 1. (1 R. S. 622.)

Proceed-
ings to
determine
settlement
of pauper
1 Smith, 341

§ 67. If within ten days after the service of such notice, the overseers to whom the same was directed shall not proceed to contest the allegation of the settlement of such pauper, by giving the notice hereinafter directed, they, their successors, and the town which they represent, shall be forever precluded from contesting or denying such settlement. They may, within the time aforesaid, give notice, in writing, to the overseers of the town where such pauper may be, that they will appear before the county superintendents, at a place and on a day therein to be specified, which day shall be at least ten days, and not more than thirty days, from the time of the service of such notice, to contest the said alleged settlement. § 32, same title.

10.

§ 68. The county superintendents shall convene whenever required by any overseers, pursuant to such notice, and shall proceed to hear and determine the controversy, and may award costs, not exceeding ten dollars, to the prevailing party, which may be recovered in any action before a court of competent jurisdiction. The decision of the superintendents shall be final and conclusive. § 33, same title.

Towns, how
compelled
to support
paupers.
1 Smith, 341.
13 Barb. 599.

§ 69. The overseers of the poor of the town in which it may be alleged any pauper has gained a settlement, may, at any time after receiving such notice requiring them to provide for such pauper, take and receive such pauper to their town and there support him. If they omit to do so, or shall fail to obtain the decision of the county superintendents, so as to exonerate them from the maintenance of such pauper, the charge of giving such notice, and the expenses of maintaining such pauper, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings, from year to year, as long as such expenses shall be incurred; and the supervisors shall annually add the amount of the said charges to the tax to be laid upon the town to which the pauper belongs, together with such sum in addition thereto, as will pay the town incurring such expenses, the lawful interest thereon from the time of expenditure to the time of repayment, which sums shall be assessed, levied and collected in the same manner as the other contingent charges of such town. The said

1 R. S. 623.

moneys, when collected, shall be paid to the county treasurer, and be by him credited to the account of the town which incurred the said expenses. § 34, title 1, ch. 20, part 1, 1 R. S. 622, 623.

§ 70. The support of any pauper shall not be charged to the county, without the sanction of the superintendents. If a pauper be sent to the county poor-house, or place provided for the poor, as a county pauper, the superintendents in those counties where the respective towns are required to support their own poor, shall immediately inquire into the fact, and if they are of opinion that such pauper has a legal settlement in any town of the said county, they shall, within thirty days after such pauper shall have been received, give notice to the overseers of the poor of the town to which such pauper belongs, that the expenses of his support will be charged to such town, unless the said overseers, within such time as the said superintendents shall appoint, not less than twenty days thereafter, show that such town ought not to be so charged. And on the application of the said overseers, the superintendents shall re-examine the matter, and take testimony in relation thereto, and shall finally decide the question; which decision shall be conclusive. § 35, same title. (1 R. S. 623.)

Proceedings to determine who are county paupers.

§ 71. In those counties where no county poor-house or other place is provided, no person shall be supported as a county pauper, without the direction of at least one superintendent. In such cases the overseers of the poor of the town where such persons may be, shall immediately give notice to one of the superintendents, who shall inquire into the circumstances; and if he is satisfied that such pauper hath not gained a legal settlement in any town of the said county, he shall give a certificate to that effect, and that such pauper is chargeable to the county. He shall report every such case to the board of superintendents, at their next meeting, who may affirm such certificate, or may annul the same, on giving due notice to the overseers of the poor of the town interested, and after hearing the allegations and proofs in the premises. § 36, same title.

Th. in counties where there are no poor-houses.

§ 72. If the superintendent to whom the overseers may have given such notice, shall neglect or refuse to give the certificate aforesaid, the overseers may apply to the board of county superintendents, who shall summarily hear and determine the matter, and whose decision shall be conclusive. § 37, same title.

§ 73. The decisions of the board of county superintendents in relation to the settlement of any paupers, or to their being a charge upon the county, shall be entered

1 R. S. 624. Decisions of superintendents.

dents, their
effect, &c.
22 Barb. 248.
13 id. 600.

Duplicate
its evidence

Relief to
paupers in
counties
having poor
houses.
12 John. 351.

Expense of
removal and
temporary
support.
7 How. 257.

How sup-
ported and
when to be
discharged.
22 Barb. 248.

in books, to be provided for that purpose, and certified by the signatures of such of the said superintendents as make such decisions; and a duplicate thereof, certified in the same manner, shall be filed in the county clerk's office within thirty days after the making of any such decision. Such original duplicate, or a copy thereof duly certified shall be conclusive evidence of the facts therein contained. § 38, title 1, ch. 20, part 1, R. S. (1 R. S. 624.)

§ 74. When any person shall apply for relief to any overseer of the poor in any county where a poor-house is established, or other place provided for the reception of the poor, any one of such overseers shall inquire into the state and circumstances of the applicant. If it shall appear that the applicant is in such indigent circumstances as to require permanent relief and support, and can be safely removed, the overseers shall, by a written order, cause the poor person to be removed to the county poor-house, or to the place provided as aforesaid, to be relieved and provided for as the necessities of such applicant may require. If the said county be one of those where the respective towns are required to support their own poor, the overseers shall designate in such order of removal whether the pauper be chargeable to the county or not; and if no such designation be made, such pauper shall be deemed to belong to the town whose overseers made such order. § 39, title 1, ch. 20, part 1, R. S. 624, as amended 1834, ch. 236.

§ 75. The expense of such removal shall be paid on the certificate of the keeper of the poor-house, or other place, countersigned as aforesaid, at the rate that shall have been prescribed by the superintendents; and the overseers shall be allowed such sum as may have been necessarily paid out or contracted to be paid, for the relief or support of such pauper previous to the said removal, as the superintendents shall judge was reasonably expended while it was improper to remove such pauper, which sum shall be paid by the county treasurer on the order of the superintendents, and shall be charged to the county, if such pauper be a county charge, or to the town sending him, if he be not a county charge. § 40, same title.

§ 76. The person so removed shall be received by the superintendents, or their agents, and be supported and relieved in the county poor-house, or such other place as shall have been provided under the direction of the said superintendents, until it shall appear to them that such person is able to work and maintain himself, when the superintendents may, in their discretion, discharge him. § 41, same title.

§ 77. If it shall appear that the person so applying, requires only temporary relief, or is sick, lame, or otherwise disabled, so that he or she can not be conveniently removed to the county poor-house, or to such place as shall have been provided by the county superintendents, any one of the overseers shall apply to a justice of the peace of the same town, who shall examine into the facts and circumstances, and shall in writing order such sum to be expended for the temporary relief of such poor person, as the circumstances of the case shall require; which order shall entitle the overseer to receive any sum he may have paid out, or contracted to pay, within the amount therein specified, from the county treasurer, to be by him charged to the county, if such person be a county charge; if not, to be charged to the town where such relief was afforded; but no greater sum than ten dollars shall be expended or paid for the relief of any one poor person, or one family, without the sanction, in writing, of one of the superintendents of the poor of the county, which shall be presented to the county treasurer, with the order of the justice. § 42, same title, as amended, ch. 226, 1834. [And such overseers shall have the discretionary right to expend a sum not exceeding ten dollars, for the relief of one poor person or family, under section forty-two, title first, chapter twenty, part first of the Revised Statutes, without any order from a justice of the peace therefor. But nothing in this section shall apply to the counties of Montgomery or Kings.] Part of § 1, ch. 190, 1845.

Relief to paupers who can not be removed to poor-house.
13 Johns. 383
3 How. 30.

1 R. S. 623.

8 Cow. 644.

See Post, § 81.

See Kings and Montgomery counties, post.

§ 78. Whenever any pestilence, or infectious, or contagious disease shall exist in any county poor-house in this state, or in the vicinity of any such county poor-house, and the physician of such county poor-house shall certify that such pestilence or disease is likely to endanger the health of the persons supported at such poor-house, the superintendent of such county poor house shall have power to cause the persons supported at such poor-house, or any of them, to be removed to such other suitable place in the same county as shall be designated by the board of health of the city, town or village within which such poor-house shall be, there to be maintained and provided for at the expense of the county, with all necessary medical care and attendance, until they can be safely returned to the county poor-house from which they were taken, or otherwise discharged. § 6, ch. 324, 1850.

Persons sick of infectious disease may be removed from county poor-house.

§ 79. The city and county of New York, and the city of Brooklyn, are hereby excepted from the provisions of this act. § 8, ch. 324, 1850.

Exception.

§ 80. If stolen property shall not be claimed by the

Unclaimed
stolen prop-
erty to be
applied for
use of the
poor.

owner thereof, before the expiration of six months from the time any person shall have been convicted of stealing such property, the magistrate, sheriff, constable or other officer or person having the same in his custody, shall deliver such property to the county superintendents of the poor, on being paid the reasonable and necessary expenses incurred in the preservation thereof, to be appropriated for the use of the poor of such county. § 34, article 3, title 7, ch. 2, part 4, R. S. (2 R. S. 747.)

Relief of
paupers in
counties not
having poor
houses.
See sec. 77.

§ 81. If application for relief be made in any of those counties where no county poor-house, or other place shall have been provided as aforesaid for the reception of the poor, the overseers of the poor shall, with the assistance of some justice of the peace of the same town, inquire into the facts and circumstances of the case, and shall make an order in writing for such allowance, weekly or otherwise, as the said justice and one of the said overseers shall think required by the necessities of such poor person. § 43, title 1, ch. 20, part 1, R. S. (1 R. S. 625.)

Id.

§ 82. If such pauper have a legal settlement in the town where such application is made, or in any other town of the same county, the overseers shall apply the moneys so allowed to the relief and support of such pauper; the moneys paid by them, or contracted to be paid, pursuant to such order, shall be drawn by them from the county treasurer, on producing the said order, out of the funds in his hands belonging to such town. § 44, same title.

Notice to
be given
in certain
cases.

§ 83. If such pauper has no legal settlement in the same county, the overseers shall immediately give the notice hereinbefore directed, to one of the county superintendents; and until the county superintendents shall take the charge of the support of such pauper, the overseers shall provide for his relief and support, as aforesaid; and the expense thereof, from the time of giving such notice to a county superintendent, shall be paid to the said overseers by the county treasurer, on the production of such order and of proof by affidavit of the time of the giving such notice, and shall be by him charged to the county. § 45, same title.

County
paupers in
counties
having no
poor-houses

§ 84. Whenever the county superintendents take charge of the support of any county pauper, in those counties where no poor-house is provided, they may authorize the overseers of the poor of the town in which such pauper may be, to continue to support him, on such terms and under such regulations as they shall prescribe; and thereafter no moneys shall be paid to the said overseers for the support of such pauper, without the order of the superintendents; or the said superintendents may remove such

pauper to any other town, and there provide for his support, in such manner as they shall deem expedient. § 46, title 1, ch. 20 part 1, R. S. (1 R. S. 625.)

§ 35. In those counties where the respective towns are required to support their own poor, the county treasurers thereof shall respectively open and keep an account with each town, in which the town shall be credited with all moneys received from the same or from its officers, and shall be charged with the moneys paid for the support of the poor chargeable to such town. And if there be a county-poor house, or other place provided in such county for the reception of the poor, the superintendents of the poor of the county shall, in each year before the annual meeting of the board of supervisors of such county, furnish to the county treasurer a statement of the sums charged by them, as hereinafter directed, to the several towns for the support of their poor, which shall be charged to such towns respectively, by the county treasurer in his accounts. § 47, same title.

1 R. S. 626.
Accounts
with towns
bound to
support
their poor,
by county
treasurer.
16 How. 370.
20 Id. 379.

§ 36. In those counties in which a poor-house shall be established or a place provided by the superintendents for the reception of the poor, and in which the several towns shall be liable for the support of their poor respectively, it shall be the duty of the superintendents, annually, and during the week preceding the annual meeting of the board of supervisors, to make out a statement of all the expenses incurred by them the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying such expenses; and they shall apportion the said deficiency among the said several towns, in proportion to the number and expenses of the paupers belonging to the said towns respectively, who shall have been provided for by the said superintendents, and shall charge the said towns with said proportions, which statement shall be by them delivered to the county treasurer, as before directed. § 48, same title.

Accounts
by superin-
tendents.
22 Barb. 248.

§ 37. At the annual meeting of the board of supervisors, the county treasurer shall lay before them the account so kept by him; and if it shall appear that there is a balance against any town, the said board shall add the same to the amount of taxes to be levied and collected upon such town, with the other contingent expenses thereof, together with such a sum for interest, at the rate of seven dollars on the hundred, as will reimburse and satisfy any advances that may be made, or that may have been made, from the county treasurer for such town, which moneys, when collected, shall be paid to the county treasurer. § 49, same title.

To be laid
before su-
pervisors.
Balances,
how col-
lected.

Expense of
supporting
county
poor, how
defrayed.
9 Barb. 200.

§ 88. The superintendents of the poor in each county shall annually present to the board of supervisors, at their annual meeting, an estimate of the sum which in their opinion will be necessary during the ensuing year, for the support of the county poor; and the said supervisors shall cause such sum as they may deem necessary for that purpose, to be assessed, levied and collected, in the same manner as the other contingent expenses of the county, to be paid to the county treasurer, and to be by him kept as a separate fund, distinct from the other funds of the county. § 50, title 1, ch. 20, part 1, R. S. (1 R. S. 626.)

1 R. S. 627.

Accounts of
overseers of
poor in
certain
counties.

§ 89. In those counties where there are no county poor-houses established, the overseers of the poor of the respective towns shall enter in books, to be provided at the expense of their towns, an account of all matters transacted by them relating to their official duties; of all moneys received by them, specifying from whom and on what account; of all moneys layed out and disbursed by them, to whom and by what authority, and specifying in each case whether to county poor or to town poor; the names of all persons applying for relief and ordered to be relieved, as aforesaid; the day and year when they were admitted to have relief; the weekly or other sums of money allowed for that purpose, and the cause of giving such relief. § 51, same title.

How
audited
and settled.

§ 90. On Tuesday next preceding the annual town meeting of every town, the overseers of the poor shall lay the said original books before the board of town auditors, together with a just and true account of all moneys by them received and expended for the use of the poor, and in what manner, together with an account of the earnings of the poor persons by them employed; which account shall be verified by the oaths of the overseers, and shall be filed with the town clerk. The board of town auditors shall compare the said account with the entries in the poor books aforesaid; shall examine the vouchers in support thereof, and shall audit and settle the same, and state the balance due from such overseers, or to them, as the case may be. No credit shall be allowed to any overseer for moneys paid, unless it shall appear that such payment was made pursuant to legal order. § 52, same title.

Penalty.

§ 91. Every person who, having been an overseer of the poor, shall refuse or neglect to present such original books, or to exhibit such accounts to the board of town auditors, as required in the last section, shall forfeit the sum of two hundred and fifty dollars, to be recovered by and in the name of the overseers of the poor of such town. § 53, same title.

§ 92. In those counties where the respective towns are made liable for the support of their poor, it shall be the duty of the town clerk to exhibit, at the annual town meetings, the accounts for the support of the poor therein, the preceding year, as the same shall have been allowed and passed by the board of town auditors, which accounts shall be openly and distinctly read by the clerk of the meeting; and the overseers of the poor shall also present an estimate of the sum which they shall deem necessary to supply any deficiency of the preceding year, and to provide for the support of the poor for the ensuing year. § 54, title 1, ch. 20, part 1, R. S. (1 R. S. 627.)

Accounts and estimates to be read at town meeting. 16 How. 297.

§ 93. The inhabitants of such town shall thereupon, by a vote of a majority of the persons qualified to choose town officers, determine upon the sum of money which shall be assessed upon the said town the ensuing year, for the purpose aforesaid. The sum so voted, when raised and collected, in those counties where a county poor-house or other place shall have been provided for the reception of the poor, shall be paid to the county treasurer, and by him placed to the credit of the town; in all other counties the sum so voted by any town shall be paid to the overseers of the poor thereof. § 55, same title. (1 R. S. 627, 628.)

Expense of supporting town poor, how defrayed. 16 How. 297.

1 R. S. 628.

§ 94. The overseers of the poor in the cities of Albany, Hudson, Troy and Schenectady, shall lay their books before, and render their accounts to, the common councils of the said cities respectively, from time to time, as shall be required; the common councils of such of the said cities as shall be liable for the support of their own poor, shall yearly determine the sum of money to be raised in such cities respectively, for the support of the poor for the ensuing year, a certified copy of which shall be laid before the board of supervisors of the county, who shall cause the same to be assessed, levied, collected and paid to the county treasurer. § 56, same title, as amended by ch. 70, 1853, and by § 9, title 10, ch. 463, 1860.

Duty of overseers of the poor.

Duty of common councils. See Albany, Columbia and Rensselaer counties, post.

§ 95. The accounts of overseers of the poor, and of justices of the peace, for any personal or official services rendered by them, in relation to the poor, shall be audited and settled by the board of supervisors, and the sums thus audited and allowed shall be paid by the county treasurer; and if such services were rendered in behalf of any town liable to support its own poor, the same shall be charged to such town. No allowance for time or services shall be made to any officer for attending any board with any accounts, for the purpose of having the

Compensation to overseers and justices

* Chapter 70, 1853, amending this section, is repealed by § 9, title 10, ch. 463, 1860.

same audited or paid. § 57, title 1, ch. 20, part 1, R. S. (1 R. S. 628.)

Penalty for
removing
&c. paupers
24 Wend. 339
35 N. Y. 141.

§ 96. Any person who shall send, carry, transport, remove or bring, or who shall cause to be sent, carried, transported, brought or removed, any poor or indigent person, from any city, town or county, to any other city, town or county, without legal authority, and there leave such poor person, with intent to make any such city, town or county, to which the removal shall be made, chargeable with the support of such pauper, or who shall entice any such poor person so to remove, with such intent, shall forfeit fifty dollars, to be recovered by and in the name of the overseers of the poor of the town to which such pauper shall be brought or removed, or in the name of the superintendents of the poor of the county into which the said poor person shall be removed; and shall moreover be deemed guilty of a misdemeanor, and, on conviction, shall be imprisoned not exceeding six months, or fined not exceeding one hundred dollars, or both, in the discretion of the court. § 58, same title.

Proceed-
ings to
compel
support of
a pauper
removed.
35 N. Y. 141.

1 R. S. 629.

§ 97. The pauper so removed, brought or enticed, shall be maintained by the county superintendents of the county where he may be. They may give notice to either of the overseers of the poor of the town from which he was brought or enticed, if such town be liable for his support; and if there be no town in the county from which he was brought or enticed, liable for his support, then to either of the county superintendents of the poor of such county, informing them of such improper removal, and requiring them forthwith to take charge of such pauper. § 59, same title. (1 R. S. 628, 629.)

Ib.

Liability,
how
contested.

§ 98. The county superintendents, or the overseers to whom such notice may be directed, shall, within thirty days after the service thereof, take and remove the pauper so brought or enticed to their county or town, and there support him, and pay the expense of such notice, and of the support of such pauper; or they shall, within the said time, by a written instrument under their hands, notify the county superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper enticing or removal, or that their town is liable for the support of such pauper. § 60, same title.

Neglect to
contest.
25 N. Y. 141.

§ 99. If there shall be a neglect to take and remove such pauper, and also to notify such denial, within the time above prescribed, the said county superintendents and overseers respectively, whose duty it was so to do, their successors and their respective counties or towns, shall be deemed to have acquiesced in the allegations

contained in such first notice, and shall be forever precluded from contesting the same; and their counties and towns respectively, shall be liable for the expenses of the support of such pauper, which may be sued for and recovered, from time to time, by the county superintendents incurring the said expenses, in actions against the superintendents of the poor of the county or the overseers of the poor of the town, as the case may be, so liable for such expenses. § 61, title 1, ch. 20, part 1, R. S. (2 R. S. 629.)

§ 100. Upon the service of any such notice of denial, the county superintendents upon whom the same may be served shall, within three months, commence a suit against the overseers of the poor of the town, or the county superintendents of the poor of the county, to whom the first notice was directed, or against their successors in office, for the expenses incurred in the support of such pauper, and shall prosecute the same to effect; if they neglect to do so, they, their successors and their county, shall be forever precluded from all claim against the county or town to whose officers such first notice was directed, or any of their officers, for any expenses that may have been or may be incurred for the support of such pauper. § 62, same title.

Suit, when to be brought.
4 How. 630.

§ 101. Every county superintendent who shall neglect to render any account or statement to the board of supervisors, as herein required, or to pay over any moneys, within the time prescribed by law, shall forfeit two hundred and fifty dollars, to be sued for and recovered by and in the name of the county treasurer. The superintendents shall also be liable to an action, either jointly or severally, by the county treasurer, for all moneys which shall be in their hands after the time the same should have been paid over, according to law, with interest thereon at the rate of ten dollars upon the hundred for a year, from the time when the same should have been paid over. § 63, same title. (1 R. S. 629, 630.)

Penalty on superintendents for neglect to render accounts, &c.

1 R. S. 630.

§ 102. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from any place without this state, into any county or town within it, and there leave or attempt to leave such person, with intent to make such county or town chargeable with the support of such pauper, he shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of the county in which such pauper shall be brought, to be sued for and recovered by and in the name of the superintendents of the county poor of said county, or by the overseers of the poor of the town into which such pauper shall be brought; and moreover, shall be

Penalty.

4 Denio, 572
8 Wend. 672
19 J. R. 56.
11 Id. 167.

obliged to convey such pauper out of the state, or support him at his own expense: and it shall be lawful for the justice before whom any person shall be convicted for a violation of this act to require of such person satisfactory security that he will, within a reasonable time, to be named by the justice, transport such pauper out of the state, or indemnify the town or county for all charges and expenses which may be incurred in the support of such pauper; and if such person shall refuse to give such security when so required, it shall be the duty of the justice to commit him to the common jail of the county, for a term not exceeding three months. All penalties recovered under this act shall be applied as directed in the sixty-fifth section (section 103) of the law hereby amended. §§ 1 and 2, ch. 277, 1831, substituted for § 64, repealed; title 1, ch. 20. (1 R. S. 630.)

Payment
over of
penalties,
and their
application.

§ 103. All penalties imposed by this title shall be for the benefit of the poor; when recovered, they shall be paid to the county treasurer, and by him credited to the town by whose officers they have been collected, if such town be liable for the support of its own poor, or to the county, when collected by the county superintendents; if not paid by the person collecting the same, when demanded by the county treasurer, he may maintain an action therefor in his name of office. § 65, title 1, ch. 20. (1 R. S. 630.)

Overseers
to sue for
penalties.

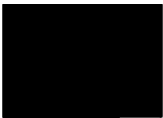
§ 104. Whenever it shall be made to appear to the satisfaction of any overseer of the poor, either upon complaint or otherwise, that a penalty has been incurred by the violation of any provisions contained in the statutes of this state, which such overseer is directed by law to collect, it shall be his duty immediately to commence a suit for such penalty, and to prosecute the same diligently to effect. § 66, same title.

Allowance
therefor and
for costs.

§ 105. In auditing the accounts of the overseers of the poor by the board of town auditors, allowance shall be made to them for all costs to which they may have been subjected, or which shall have been recovered against them in any suit brought by them pursuant to law; and they shall also be allowed the same daily pay for attending to any such suit as is allowed them for the performance of their official duties. § 67, same title.

10.

§ 106. Such allowances may be credited to them in their accounts for moneys collected for penalties, and may be deducted from such moneys; and the balance of such penalties shall be paid to their successors in office, or to the county treasurer, as directed by law in respect to such penalties. § 68, same title.



RELIEF OF THE POOR.

33

If there be not sufficient moneys in their hands for such allowances, the same shall be paid as other charges. § 69, title 1, ch. 20, part 1, R. S. (1 R. S. 630.)

Allowance therefor and for costs.

Where, by the existing laws, any poor persons maintained by any county, or by two or more towns, shall continue to be so maintained. § 70, same title.

Certain paupers.

Where by virtue of any special act of the legislature one or more towns have erected a town poor-house the same shall be continued, and the poor of such town respectively, may be supported therein by the overseers of the poor of the town. § 71, same title. (1 R.

1 R. S. 681.
Town poor-houses.

The following property shall be exempt from taxation: Every poor-house, alms-house, house of industry, every house belonging to a company incorporated for the reformation of offenders, or to improve the moral conduct of seamen, and the real and personal property used for such purposes belonging to or connected with the same. Sub. 4 of § 4 of title 1, ch. 13, part 1, R. S. p. 388, added by ch. 136, 1866.

Poor houses &c. exempt from taxation.

Every poor-house, almshouse, or other place established by any city, town or county, for the reception and support of the poor, and all real and personal property, wherever, belonging to or connected with the same, shall be exempt from all assessment and taxation, levied by the state, or by any county, city, town or village. The keeper of every poor-house, alms-house, or almshouse provided as aforesaid, shall be exempt from service in the militia, from serving on juries and from assessments for labor on the highways. § 72, title 1, part 1, R. S.

Poor houses &c. exempt from taxes. See § 110, ante.

In those counties where poor-houses may be established, the superintendents may provide for the support of such paupers that may be idiots or lunatics out of such funds, in such manner as shall best promote the interests of the county and conduce to the comfort and relief of such paupers. § 73, same title.

Keepers exempt from juries, &c.

Idiots and lunatics. See Lunatic and Idiot Asylums, post.

Whenever any town shall have any moneys for the support of the poor invested in the name of overseers of the poor of such town, the said overseers shall continue to have the control thereof, and shall apply the interest arising therefrom to the support of the poor of such town so long as such town shall be liable to support its own poor; and if the town shall be relieved from the liability to support its own poor, by a vote of the freeholders of the county, the moneys so raised and interest shall be applied to the payment of such taxes upon the land as the inhabitants thereof shall at an annual meeting determine. § 74, same title.

Invested poor-moneys.

Reports
by county
superin-
tendents
to secreta-
ry of state.

* § 114. It shall be the duty of the superintendents of the poor of every county in this state, during the month of December in each year, to report to the secretary of state, in such form as he shall direct, the number of paupers that have been relieved or supported in such county the preceding year, distinguishing the number of county paupers from the number of town paupers, if any; the whole expense of such support, specifying the amount paid for transportation of paupers, and any other items which do not compose any part of the actual expense of maintaining the paupers, and the allowance made to superintendents, overseers, justices, keepers and officers; the actual value of the labor of the paupers maintained, and the estimated amount saved in the expense of their support in consequence of their labor. § 75, title 1, ch. 20, part 1, R. S. (1 R. S. 631.)

Report,
when and
how to be
made.

* § 115. In addition to the reports which the superintendents of the poor in the several counties in this state are now required by law to make, it shall be their duty, in the month of December in each year, to report to the secretary of state, in such form as he shall direct, the sex and native country of every pauper who shall have been relieved or supported by them during the year preceding the day on which such report shall be made, together with a statement of the causes, either direct or indirect, which have operated to render such person a pauper, so far as the same can be ascertained, together with such other items of information in respect to the character and condition of such paupers as the secretary of state shall direct. § 1, ch. 214, 1842, as amended ch. 100, 1849.

Penalty
for neg-
lect.

* § 116. The same penalty for the neglect of any superintendent of the poor to comply with the provisions of this act as are prescribed in section seventy-eight (section 120), title one, part one, chapter twenty of the Revised Statutes, shall be imposed on such superintendent for such neglect. § 2, same ch.

This act
to be pub-
lished with
forms.

* § 117. The secretary of state shall cause this act to be published, together with such forms and instructions for its execution as he shall deem necessary, and cause the same to be distributed to the superintendents of the poor of the several counties in this state, the expense of which shall be paid by the treasurer on the warrant of the comptroller; and the secretary of state shall annually report to the legislature the results of the information obtained in pursuance of this act. § 3, ch. 214, 1842.

Reports by
supervi-
sors of
towns sup-
porting
their own
poor.

§ 118. It shall be the duty of the supervisors of every town, in those counties where all the poor are not a county charge, to report to the clerk of the board of supervisors, within fifteen days after the accounts of the overseers of

* By chapter 494, 1870, the provisions of sections 114-120 of this Code are extended. See post, §§ 1238 to 1244.

The poor have been settled by the board of town auditors, in each year, an abstract of all such accounts for the preceding year, which shall exhibit the number of paupers that have been relieved or supported in such town the preceding year, specifying the number of county paupers, and of town paupers, the whole expense of such support, and specifying the allowance made to overseers, justices, constables, or other officers, and any other items which shall not comprise any part of the actual expense of maintaining the paupers. § 76, title 1, ch. 20, part 1, R. S. (1 R. S. 631, 632.)

1 R. S. 632.
See note a,
ante, p. 34.

§ 119. The said abstracts shall be delivered by the clerk of the board of supervisors to the county superintendents, to be included by them in their report aforesaid. § 77, same title. (1 R. S. 632.)

Duty of
clerk of
supervisors.
See note a,
ante, p. 34.

§ 120. Any superintendent, supervisor or clerk, who shall neglect or refuse to make such reports, abstracts or copies aforesaid, or who shall willfully make any false report, abstract or copy, shall forfeit one hundred dollars, to be recovered by the district attorney of the county, in the name of the people of this state, and to be paid into the county treasury for the benefit of the poor thereof. The secretary of state shall give notice to the district attorney of the county of every such neglect or misconduct; and it shall be the duty of the district attorney, on receiving such notice, or in any way receiving satisfactory information of such neglect or misconduct, to prosecute for the recovery of such penalties. § 78, same title.

Penalty for
neglect and
for false
report.
See note a,
ante p. 34.

§ 121. The secretary of state shall annually lay before the legislature, during the first month of its session, an abstract of the said returns and reports. § 79, same title.

Reports by
secretary
of state.

§ 122. In those counties where there is no county poor-house, or other place provided for the reception of the poor, the moneys raised and collected in the several towns for the support of the poor shall be received and disbursed by the overseers of the poor in such towns respectively. § 80,* same title.

Poor
moneys,
when to be
received by
overseers.

§ 123. It shall be the duty of the commissioners of excise of the several towns in those counties where there is no county poor-house or other place provided for the reception of the poor, to pay over to the overseers of the poor in their respective towns all moneys received by them by virtue of their offices. § 81,* same title.

Excise
moneys,
when to be
received
by them.
See excise
laws, 1867
and 1870,
post.

§ 124. In those counties where no county poor-house or other place shall have been provided for the reception of the poor, and where the distinction of town and county poor is not abolished, it shall be the duty of the commis-

Ib.
See excise
law, 1867,
post.

* Added to the title by chapter 380 of 1880, and numbered sections 80, 81, 82.

sioners of excise in the several towns to pay all moneys received by them by virtue of their offices to the overseers of the poor in their respective towns. § 82,* title 1, ch. 20, part 1, R. S. (1 R. S. 632.)

Keeping of
the poor
not to be
put up at
auction, &c.

§ 125. It shall not be lawful for any officer whose duty it may be to provide for the maintenance, care or support of poor and indigent persons at public expense, to put up at auction or sale, the keeping, care or maintenance of any such poor or indigent person, to the lowest bidder; and every contract which may be entered into for the support, care or maintenance of any such poor or indigent person, in pursuance of or accordance with any bid or bids made at any auction or public competition for the support, care or maintenance of any such poor person, shall be absolutely void. Part of ch. 176, 1848.

Overseers,
their
number
and how
chosen.
5 N. Y. 23.
21 Wend. 181

§ 126. There shall be chosen, at the annual town meeting in each town, one supervisor, one town clerk, one assessor, one collector, one or two overseers of the poor, one, two or three commissioners of highways, and not more than five constables; but nothing herein contained shall prevent the election, at such town meeting, of any greater number of the officers respectively herein specified, or of any officer not herein specified, where the power to elect such greater number, or such other officer or officers, has hitherto been conferred by any statute other than the section hereby amended, nor shall anything herein contained authorize the election of overseers of the poor in any town in the counties of Richmond or Kings. § 3, article 1, title 2, ch. 11, part 1, R. S., 340, as amended by § 6, ch. 522, 1865, and by § 1, ch. 30, 1866.

Overseers,
their num-
ber, how
fixed.

§ 127. The electors of each town shall have the power, at their annual town meeting, to determine whether they will choose one or two overseers of the poor, and the number determined upon shall be the number to be elected. And such overseers shall have the discretionary right to expend a sum not exceeding ten dollars for the relief of one poor person or family, under section forty-two, title first, chapter twenty, part first, of the Revised Statutes, without any order from a justice of the peace therefor. But nothing in this section shall apply to the counties of Montgomery or Kings. § 1, ch. 180, 1845.

Temporary
relief.

Not appli-
cable to
Montgom-
ery or
Kings
county.
Mode of
choice.

§ 128. The overseers of the poor shall be chosen by ballot. Part of § 2, article 1, title 3, ch. 11, part 1, R. S. (1 R. S. 344.) [And shall hold their offices for one year, and until others are chosen or appointed in their places and have qualified.] § 30, art. 2, title 3, ch. 11, part 1, R. S. (1 R. S. 347.)

* Added to the title by chapter 280 of 1860, and numbered sections 82, 83, 84.

No person shall be eligible to any town office, who shall be an elector of the town for which he is chosen. § 11, article 2, title 3, ch. 11, part 1, 1 R. S. 345.) Who eligible.

Every person chosen or appointed to the office of overseer of the poor, before he enters on the duties of such office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe, in the presence of some justice of the peace or commissioner of deeds, the oath of office prescribed in the sixth article of the constitution of this state. [Art. 12, § 1, Const. 1846.] § 13, same article. Oath of office.

Such oath shall be administered without reward, by some justice of the peace or commissioner, before whom the same shall be taken, shall also, without reward, certify, in writing, the day and year when the same was taken, and deliver such certificate to the person by whom the same was made. § 14, same article. Id.

The oath of office of any town officer, except a justice of the peace and commissioners of deeds, may be administered and sworn before the town clerk of the town in which such officer shall be elected; such oath shall be recorded and certified without fee or reward. Ch. 8. Town clerk to administer oath.

Such person, within eight days thereafter, shall cause a certificate to be filed in the office of the town clerk. § 15, art. 2, title 3, ch. 11, part 1, R. S. (1 R. S. 345.) Id.

If any person chosen or appointed to either of the offices above enumerated shall not take and subscribe such oath, and cause the certificate thereof to be filed as above required, such neglect shall be deemed a neglect to serve. § 16, same article. Neglect to take oath.

If any town officer who is required by law to take the oath of office shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit the sum of fifty dollars. § 29, article 2, title 3, part 1, R. S. (1 R. S. 347.) Penalty for acting without oath.

Every person hereafter elected or appointed to the office of overseer of the poor in the several towns of this state, within ten days after being notified of his election or appointment, shall execute to the supervisor of such town a bond, with one or more sureties, to be approved by such supervisor, conditioned that he will faithfully discharge the duties of his office, and will pay, according to law, all moneys which shall come into his hands as such overseer. § 1, ch. 269, 1855. Overseers of poor to give bond.

Such bond, with the approval of the supervisor of such town, shall, within five days thereafter, be filed in the office of the town clerk of such town. § 2, same ch. To be filed in office of town clerk.

- 1 R. S. 347.** § 138. If any person, chosen or appointed to the office of overseer of the poor, shall refuse to serve, he shall forfeit to the town the sum of fifty dollars. § 25, 1 R. S. 347.
- Penalties for refusing to serve.**
- Compensation to overseers.** § 139. The following town officers shall be entitled to compensation, at the following rates, for each day actually and necessarily devoted by them to the service of the town in the duties of their respective offices: The overseers of the poor shall receive two dollars per day for each day's service performed by each or either of them. Part of § 3, ch. 615, 1857, as amended by § 2, ch. 242, 1870.
- If town neglect to choose, justices to appoint.** § 140. If any town shall neglect at its annual town meeting to choose its proper town officers, or either of them, it shall be lawful for any three justices of the peace of the said town, by warrant under their hands and seals, to appoint such officers; and the persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers, and be subject to the same duties and penalties as if they had been duly chosen by the electors. § 31, article 3, title 3, ch. 11, part 1, R. S. (1 R. S. 347.)
- 1 R. S. 348.** § 141. The justices making such appointment shall cause such warrant to be forthwith filed in the office of the town clerk, who shall forthwith give notice to the person appointed. § 32, same article. (1 R. S. 348.)
- Appointment, where filed, &c.**
- Resignation of town officers.** § 142. Any three justices of the peace of a town may, for sufficient cause shown to them, accept the resignation of any town officer of their town; and whenever they shall accept any such resignation, they shall forthwith give notice thereof to the town clerk of the town. § 33, same article.
- Special town meeting to supply vacancies.** § 143. If any person chosen or appointed to the office of supervisor, assessor, commissioner of highways, or overseer of the poor, shall refuse to serve, or shall die, or resign, or remove out of the town, or become incapable of serving, before the next annual town meeting after he shall have been chosen or appointed, the town clerk shall, within eight days after the happening of such vacancy, call a special town meeting for the purpose of supplying the same. § 34, same article, as amended by § 2, ch. 320, 1830.
- Ib. when justice to appoint.** § 144. If the electors shall not, within fifteen days after the happening of such vacancy, supply the same by an election at town meeting, the same shall be supplied by the justices of the town, in the like manner and with the like effect as above provided. § 35, same article.
- Other vacancies.** § 145. Vacancies in all town offices except the office of supervisor, overseer of the poor, collector, or overseer of highways, shall be supplied by the justices of the town, in the manner provided in the thirty-first (section 140)

of this title. Vacancies in the office of collector be supplied in the manner prescribed in chapter en, and vacancies in the office of overseer of highways in the manner prescribed in chapter sixteen of this § 36, article 3, title 3, ch. 11, part 1, R. S.* (1 R. S.)

16. Whenever a vacancy shall occur in any town which justices of the peace are authorized to fill, there shall be less than three justices residing in the town in which such vacancy shall occur, the justice or justices residing in such town may associate with themselves one or more justices of the peace from any adjoining town, as may be necessary to make the number of three; and such three justices shall have the like power in such vacancy as if they were respectively justices of the peace in the town in which the vacancy occurred. § 3, ch. 320,

Other
vacancies.
18 Wend. 516

17. Whenever the term of office of any supervisor or town clerk shall expire, and another person shall be elected or appointed to such office, it shall be the duty of the succeeding supervisor or town clerk, immediately after he shall have entered on the duties of his office, to demand of his predecessor all the records, books and papers under his control belonging to such office; and whenever the term of office of the commissioners of highways or of the overseers of the poor of any town shall expire, and another or others shall be elected or appointed, it shall be the duty of the persons so elected or appointed to make such demand of their predecessors of the records, &c. § 5, title 6, ch. 11, part 1, R. S. (1 R. S.)

Certain
town
officers
to demand
records, &c.
of their pre-
decessors.

1 R. S. 359.
11 How. 418.

18. Whenever either of the officers above named shall resign, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of the person so resigning. § 6, title 6, ch. 11, part 1, R. S. (1 R. S. 359.)

19. It shall be the duty of every person so going out of office, whenever thereto required pursuant to the foregoing provisions, to deliver, upon oath, all the records, books and papers in his possession or under his control relating to the office held by him; which oath may be administered by the officer to whom such delivery shall be made. It shall also be the duty of every supervisor, commissioner of highways, and of every overseer of the poor, when going out of office at the same time to pay over to his successor the balance of moneys remaining in his

Persons
going out
of office to
deliver over
records, &c.

* Office of assessors and commissioners of highways, vacancies are supplied by appointment, in writing, under the hand of two justices of the peace. ch. 180 1845.
Office of town superintendent of common schools is abolished.

hands, as ascertained by the auditors of town accounts. § 7, title 6, ch. 11, part 1, R. S. (1 R. S. 359.)

In case of death, demand to be made of executors, &c.

§ 150. Upon the death of any of the officers above enumerated, the successors or successor of such officer shall make such demand as above provided of the executors or administrators of such deceased officer; and it shall be the duty of such executors or administrators to deliver, upon the like oath, all records, books and papers in their possession or under their control belonging to the office held by their testator or intestate. § 8, same title.

Penalty for refusing to deliver records, &c.

§ 151. If any person so going out of office, or his executors or administrators, shall refuse or neglect, when thereunto lawfully required, to deliver such records, books or papers, he shall forfeit to the town for every such refusal or neglect the sum of two hundred and fifty dollars; and it shall also be the duty of the officer or officers entitled to demand such records, books and papers to proceed to compel the delivery thereof in the manner prescribed in the sixth title of the fifth chapter of this act, and to that end the fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth and fifty-fifth sections of that title shall be deemed to apply to the officers above enumerated and their executors or administrators. § 9, same title.*

Proceedings to compel delivery.

Prohibition as to common councilmen, &c.

§ 152. It shall not be lawful for a member of the common council of any city in this state, or of a trustee of any village, or the supervisor of any town, to become a contractor under any contract authorized by the common council, board of trustees, or board of supervisors of which he is a member, or to be in any manner interested, directly or indirectly, either as principal or surety, in such contract. § 1, ch. 57, 1843.

As to town, county, city and state officers.

§ 153. No town, county, city or state officer shall be interested in any contract made by such officer, or be a purchaser or interested in any purchase at any sale made by such officer, or a seller at any purchase made by such officer in the discharge of his official duty. § 2, same ch.

Certain contracts may be declared void.

§ 154. Contracts in violation of the provisions of the first and second sections of this act may be declared void at the instance of the city, county, village or town interested, or of any other party interested in such contract, except the officers mentioned and prohibited in said sections from making or being interested in such contracts. § 3, same ch.

Investigation, how to be conducted.

§ 155. The chairman of committees of common councils and of other public municipal bodies, charged with any investigation or inquiry requiring the taking of testimony, are authorized to administer oaths to such witnesses

* For proceedings to compel delivery of records and books see sections 50 to 55 inclusive, 1 R. S. pp. 124, 125.

as may be brought before such committee, and any false swearing in testimony so taken shall be deemed perjury and subjected to the pains and penalties of perjury. § 4, ch. 57, 1843.

§ 156. The electors of each town bound to support its own poor shall have power at their annual town meeting to direct such sum to be raised in such town for the support of the poor for the ensuing year as they may deem necessary. And every town may raise any money that may be necessary to defray any charges that may exist against the overseers of the poor of such town. Part of § 6, art. 1, title 2, ch. 11, part 1, R. S. (1 R. S. 841.)

Sum for support of poor, how fixed.

§ 157. Special town meetings shall be held to supply vacancies in the several cases hereinafter provided. They shall also be held whenever twelve or more persons eligible to the office of supervisor shall, by application in writing, signed by them, and addressed to the town clerk, require a special town meeting to be called for the purpose of raising moneys for the support of common schools or for the poor, when a proposition to that effect shall not have been acted upon at the annual town meeting; or for the purpose of deliberating in regard to the institution or defense of suits, or the raising of moneys therefor; and no special town meeting shall have power to act on any subjects other than such as are specified in this section. § 7, same art.

Special town meetings. 7 Wend. 608

§ 158. No previous notice need be given of the annual town meetings; but the town clerk shall, at least eight days before the holding of any special town meeting, cause notices thereof, under his hand, to be posted at four or more of the most public places in the town, which notices shall specify the time, place and purposes of such meeting. § 8, same art.

Notices.

§ 159. No account shall be audited by any board of town auditors or supervisors, or superintendents of the poor, for any services or disbursements unless such account shall be made out in items, and accompanied with an affidavit attached to and to be filed with such account made by the person presenting or claiming the same, that the items of such account are correct, and that the disbursements and services charged therein have been in fact made or rendered, or necessary to be made or rendered at that session of the board, and stating that no part thereof has been paid or satisfied. And the chairman of such board, or either of said superintendents, is hereby authorized to administer any oath required under this section. § 24, ch. 180, 1845, as amended by § 2, ch. 490, 1847.

Accounts, how and when to be audited by superintendent.

§ 160. Nothing in the preceding section shall be construed to prevent any such board from disallowing any ac-

ts.

count, in whole or in part, when so rendered and verified, nor from requiring any other or further evidence of the truth and propriety thereof, as such board may think proper. § 25, ch. 180, 1845.

Temporary relief in counties. See ante, §§ 54, 55.

§ 161. Whenever the board of supervisors of any county in this state shall by resolution declare their intention to adopt the provisions of the act entitled "An act (ch. 334) in relation to the temporary relief of the poor of the county of Livingston, and such other counties as may adopt the provisions of this act," passed May 14th, 1845, all the provisions of said act shall extend and apply to said county. § 1, ch. 245, 1846.^a

New York and Kings excepted.

The provisions of the first section of this act shall not apply to the city and county of New York, nor to the county of Kings. § 2, same ch.

Towns in which persons relieved reside to pay expenses in Livingston county.

§ 162.^b The expenses which shall be incurred in the relief or support of indigent persons entitled thereto by law, in the county of Livingston, before removing such persons to the county poor-house of such county, pursuant to the provisions of the Revised Statutes for the relief and support of indigent persons, including the charges of overseers of the poor for services rendered in providing for such relief and support (but not the expense of such removal), shall be a charge upon the towns in which the persons so relieved or supported shall respectively be. § 1, ch. 334, 1845.

Overseers of the poor to provide for temporary relief.

§ 163. The overseers of the poor of said county shall provide for such relief or support, pursuant to the order of a justice of the peace, to be obtained in the manner provided by the forty-sixth section of the Revised Statutes, above mentioned, except for medical services to an amount not exceeding five dollars, for which no order shall be required, until such persons shall be removed to the county poor-house of such county, or until the necessity for any further expenditures shall cease; and it shall not be necessary to obtain the sanction of a superintendent of the poor to authorize the expenditure of a greater sum than ten dollars for the relief of any one poor person or family: *Provided*, that such orders granted pursuant to this section shall be granted without fee or reward. § 2, same ch.

Names, ages, &c. of poor relieved to be entered in a book.

§ 164. The overseers of the poor shall keep a book, to be procured at the expense of the town, in which they shall enter the name, age, sex and native county of every poor person who shall be relieved or supported by them,

^a Chap. 245, 1846, is entitled "An act in relation to the temporary relief of the poor."

^b This and the seven following sections are taken from "An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may adopt the provisions of this act." Passed May 14, 1845.

together with a statement of the causes, either direct or indirect, which shall have operated to render such person a pauper, so far as the same can be ascertained. They shall also enter in such a book a statement of all moneys received by them, when and from whom, and on what account received, and of all moneys paid out by them, when and to whom paid, and on what authority. § 3, ch. 334, 1845.

§ 165. On the Tuesday next preceding the annual town meeting in every year, and also on the Thursday next preceding the annual meeting of the board of supervisors of such county in every year, the overseers of the poor shall lay the said book before the board of town auditors, together with a just and true account of all moneys received and expended by them for the use of the poor since the last preceding meeting of the said board of town auditors. The said board of auditors shall compare said account with the entries in the poor book aforesaid, and shall examine the vouchers in support thereof, and audit and settle the same and state the balance due from the overseers or to them as the case may be. The said account shall be filed with the town clerk, and at every annual town meeting the town clerk shall produce such poor accounts for the then preceding year and read the same if required by the meeting. § 4, same ch.

Book to be
laid before
the town
auditors.

§ 166. The accounts of overseers of the poor for their services in affording the relief and support mentioned in this act shall be audited, certified, levied, collected and paid in the manner now provided by law in respect to other town accounts. § 5, same ch.

Accounts,
how
audited.

§ 167. At the annual meeting of the board of town auditors on the Thursday preceding the annual meeting of the board of supervisors the said board of town auditors shall make a certificate, to be signed by a majority of the board, specifying the name, age, sex and native country of every person who shall have been relieved or supported by the overseers of the poor during the then preceding year, and stating the causes, either direct or indirect, which shall have operated to render such person a pauper, and the amount of money expended for the use of each and every person so relieved or supported as allowed by the board of auditors, together with the amount allowed to each overseer for services rendered in relation to the temporary relief of the poor as aforesaid, which certificate the said board of auditors shall cause to be delivered to the superintendents of the poor of such county, or one of them, on or before the first day of December then next. § 6, same ch.

Town
auditors
to certify
the names,
ages, &c. of
persons
relieved.

§ 168. The board of town auditors shall also at their

Estimate to be made of amount necessary for next year.

annual meeting mentioned in the last preceding section, make an estimate, to be signed by a majority of the board, of the sum which they shall deem necessary for the temporary relief and support of the poor the ensuing year, and to supply any deficiency in the preceding year, and shall cause the said estimate to be laid before the board of supervisors of such county on the first day of their then next annual meeting. The board of supervisors shall cause the said sum to be levied and collected in the town where the same was estimated to be necessary as aforesaid in the manner now provided by law in respect to other town charges, and to be paid to the overseers of the poor of such town. § 7, ch. 334, 1845.

Duty of supervisors

§ 169. It shall be the duty of the board of supervisors of such county to examine the accounts of the superintendents of the poor and audit the same. § 8, same ch.

Boards of supervisors to audit accounts of superintendents.

§ 169½. (The boards of supervisors of each county in this state, except New York and Kings), shall have the power and it shall be their duty to audit the accounts of the superintendents of the poor of the county and to examine the accounts of subordinate county officers, and each supervisor whose compensation is not specially provided for by law shall be entitled to charge and receive three dollars per day for each full day's service during the sessions of the board, besides mileage now allowed by law; but such supervisor shall not be entitled to receive any other compensation whatever except as the same is specially provided for by law. § 8, ch. 855, 1869.

Liquor not to be sold to paupers. See ch. 626, 1867, post.

§ 170. No tavern-keeper, grocer or other dealer in strong or spirituous liquors, shall, directly or indirectly, sell or cause to be sold any strong or spirituous liquor to any pauper, knowing him or her to be such pauper as aforesaid. § 1, ch. 272, 1835.

Clothes not to be purchased from them.

§ 171. No person shall directly or indirectly receive or cause to be received, by purchase or otherwise, from any such pauper or person any clothing or effects whatsoever, knowing or having reason to know that such clothing or effects were in whole or in part furnished to such pauper or person at the public expense. § 2, same ch.

Penalty.

§ 172. Every person offending against either of the provisions of this act shall, for each offense, forfeit the sum of five dollars, in addition to the value or amount of such clothing, effects or money obtained or taken in violation of this act, to be sued for and collected, with costs, by and in the name of the superintendent of the poor of any county in this state having such officers, or by and in the name of the overseers of the poor of any town which supports its own poor, for the use of the poor of such county or town, as the case may be. § 3, same ch.

§ 173. The trustees, directors or managers of any incorporated orphan asylum, or institute or home for indigent children, may bind out any orphan or indigent child, if a male, under the age of twenty-one years, or, if a female, under the age of eighteen years, who has been or shall be surrendered to the care or custody of said society by the parent or guardian thereof, or placed therein by the superintendent of the poor of the county, or the overseers of the poor of any city or town in the county within which said asylum or institute is located, to be clerks, apprentices or servants, until such child, if a male, shall be twenty-one years old, or, if a female, shall be eighteen years old, which binding shall be as effectual as if such child had bound himself or herself with the consent of his or her father. § 1, ch. 159, 1855, as amended by § 1, ch. 431, 1870.*

Officers of incorporated orphan asylums to bind out orphans and indigent children.

§ 174. In case of the death of the father of any indigent child, or in case the father shall have abandoned his family or neglected to provide for them, the mother shall be the guardian of said child for the purpose of surrendering the said child to the care and custody of said society; and in case of the death of both parents the mayor of the city or the supervisor of the town within which the said asylum or institute may be located shall be ex-officio the guardian of said child for the purpose of enabling said trustees, managers or directors to bind out such child. § 2, same ch., as amended by § 2, ch. 431, 1870. The father of any indigent child, or in case the father shall be dead, or shall have abandoned his family, or neglected to provide for them, the mother, may, by a written instrument, commit the guardianship of the person and custody of said child to the directors, trustees or managers of any incorporated orphan asylum or institute, upon such terms, for such time, and subject to such conditions, as may be agreed upon by the parties; and, in case of the death of both parents, the guardian of said child, legally appointed, may, with the approval of the court or officer appointing him, to be entered of record, commit to such asylum the guardianship of the person and custody of said child, in the same manner and upon the same terms that the parent might, as herein provided. § 3, ch. 431, 1870.

When mother to be guardian for purpose of surrendering child.

Children, by whom and when may be committed to directors of orphan asylum, &c.

§ 175. The provisions of sections eight, nine and ten of article first of title fourth of chapter eight of part second of the Revised Statutes shall apply to all cases of binding under this act. § 3, ch. 159, 1855, as amended by § 4, ch. 431, 1870.

Certain provisions of R. S. applicable.

* "An act to amend an act entitled 'an act to allow the trustees, directors or managers of incorporated asylums to bind out orphans or indigent children surrendered to their care,' and to provide for the custody of such children;" passed April 2, 1855. Passed April 27, 1870.

Duty of
superin-
tendents
of poor.

§ 176. It shall be lawful for the superintendents of the poor in counties in which there shall be no orphan asylum, and the overseers of the poor of towns in such counties, to place the children chargeable to and supported at the expense of such counties or towns in any incorporated orphan asylum in any county of the state, upon such terms as shall be agreed upon with the managers or trustees of said asylum, at the proper expense of the counties or towns to which they are properly chargeable.* § 1, ch. 61, 1857.

Duty of
managers
of orphan
asylums.

See post, §§
180, 181.

§ 177. It shall be the duty of the managers of every orphan asylum or other institution authorized to receive and bind out orphan or destitute children to provide and keep always open for the inspection of all desiring to examine it, a book, in which shall be registered the names, age and parentage, as near as the same can be ascertained, of all children committed to their care or received into such institution; in which book or register shall also be written the time each child left the institution, and, if bound out or otherwise, placed out at service or on trial, the name and occupation of the person with whom it is so placed and his or her place of residence. The managers shall have no power to bind out any person mentioned in the first section. § 2, same ch.

Provisions
of ch. 180 of
Laws of 1855
applicable.

§ 178. All the provisions of chapter one hundred and fifty-nine of the laws of eighteen hundred and fifty-five shall apply to the children provided for in this act. § 3, same ch.

Certain
children
under care
of managers
of society
for relief of
destitute
children of
seamen may
be bound
out

§ 179. Any child not under the age of ten years or over sixteen years of age, and who has been under the care of the managers of the society for the relief of destitute children of seamen for not less than a year, and has progressed so far in his or her education as to read and write, may be bound out by said managers to serve as a clerk, apprentice or servant in any useful profession, trade or employment, in the same manner and with the same effect as overseers of the poor are by law authorized to bind out poor and indigent children. Ch. 297, 1857.

Record of
reception
of minor
children by
orphan asy-
lums, &c.

§ 180. All institutions, public or private, incorporated or not incorporated, for the reception of minors, whether as orphans or as destitute, disorderly or delinquent persons, are hereby required to keep a record wherein shall be entered the date of reception, how and by whom therein placed, and for what cause, together with the names, residence and birth-place of all children admitted in such institutions, and also the names, residence and birth-place of the parents of such children; and when-

* An act entitled "An act in relation to orphan and destitute children."
Passed March 2, 1857.

ever any child shall leave such institution, the proper entry shall be made in such record, showing in what manner such child has been disposed of, to whom apprenticed or otherwise intrusted, and where he resides. § 1, ch. 411, 1869. Such record shall at all reasonable times be open to the inspection of any citizen of this state, and extracts therefrom shall, within twenty-four hours after request, be given by the secretary or other officer of such institution, to any parent or relative of such child. § 2, same ch.

Record of apprenticeship, &c.

Record to be open for inspection.

§ 181. It shall not be lawful at any time to change the name of any child admitted to such institution. § 3, same ch. Whenever any such child shall be bound out, apprenticed or otherwise disposed of, the person or persons receiving him shall be required to sign an obligation to the people of this state, by which, in addition to the requirements now existing by law in such cases, such person or persons shall undertake to kindly treat such child. § 4, same ch. It shall be the duty of all such institutions to present to the legislature annually, on or before the thirty-first day of January, a report under the oath of some one of its principal officers, showing that the provisions of this act have been complied with. § 5, same ch. Any officer of any institution referred to in this act who shall willfully violate any of the provisions of this act shall be liable to a penalty of one hundred dollars, to be recovered by the attorney-general in the name of the people of this state in any court of competent jurisdiction. § 6, same ch.

Names not to be changed. Bonds to be given for kind treatment of children apprenticed.

Annual report to legislature.

Penalty for violating act.

§ 182. If any child between the ages of five and fourteen years, having sufficient bodily health and mental capacity to attend the public schools, shall be found wandering in the streets or lanes of any city or incorporated village, idle and truant, without any lawful occupation, any justice of the peace, police magistrate or justices of the district courts in the city of New York, on complaint thereof by any citizen on oath, shall cause such child to be brought before him for examination, and shall also cause the parent, guardian or master of such child, if he or she have any, to be notified to attend such examination. And if on such examination the complaint shall be satisfactorily established, such justice shall require the parent, guardian or master, to enter into an engagement in writing to the corporate authorities of the city or village, that he will restrain such child from so wandering about, will keep him or her on his own premises, or in some

Idle and truant children, when to be taken up.

lawful occupation, and will cause such child to be sent to some school at least four months in each year, until he or she becomes fourteen years old. And such justice may, in his discretion, require security for the faithful performance of such engagement. If such child has no parent, guardian or master, or none can be found, or if such parent, guardian or master refuse or neglect, within a reasonable time, to enter into such engagement, and to give such security, if required, such justice shall, by warrant under his hand, commit such child to such place as shall be provided for his or her reception, as hereinafter directed. § 1, ch. 185, 1853. If such engagement be habitually or intentionally violated, an action may be brought thereon, by the overseers of the poor, or either of them, of such city or village, in the name of the corporate authorities thereof, and, on proof of such habitual or intentional violation, the plaintiff shall recover therein a penalty of not more than fifty dollars, with costs. And thereupon the magistrate or court before whom such recovery shall be had, shall by warrant commit such child to the place so provided for his or her reception, as aforesaid. § 2, same ch.

1853
20 185
Penalty for violating engagement

Place of reception, and useful occupation to be provided for children.

This section modified as to Rochester by ch. 308, 1868.

Expenses, how paid.

§ 183. The corporate authorities of every city and incorporated village shall provide some suitable place for the reception of every child that may be so committed, and for the employment of such child in some useful occupation, and his or her instruction in the elementary branches of an English education, and for his or her proper support and clothing. Every child so received shall be kept in such place until discharged by the overseers of the poor or commissioners of the almshouse of such city or village, and may be bound out as an apprentice by them or either of them, with the consent of any justice of the peace or any of the aldermen of the city, or any trustee of the incorporated village where he may be, in the same manner, for the same periods, and subject to the same provisions in all respects, as are contained in the first article and fourth title of the eighth chapter and second part of the Revised Statutes, with respect to children whose parents have become chargeable on any city or town. § 3, same ch. The expenses of providing and maintaining such place for the reception, clothing, support and instruction of such children shall be defrayed in the same manner as charges for the support of paupers chargeable upon such city or village; and the corporate authorities of every city and village shall

certify to the board of supervisors of the county, at their annual meetings, the amount necessary for said purposes, which amount the said supervisors shall cause to be levied and collected as part of the taxes for the support of the poor, chargeable to such city or village. § 4, same ch. It shall be the duty of all police officers and constables, who shall find any child in the condition described in the first section of this act, to make complaint to a justice of the peace, as provided in the said section. § 5, same ch.

Duty of supervisors.

Complaint to be made by constable.

§ 184. The fees of justices for services performed under this act shall be the same as allowed by law in cases of vagrancy, and shall be paid by the city or village in which they were rendered. § 6, same ch.

Justices' fees.

§ 185. Each officer in the several counties of this state who shall receive, or is authorized by law to receive, any money on account of any fine or penalty or other matter in which his county or any town or city therein shall have an interest, shall make a report in writing every year, bearing date the first day of November, in which he shall state particularly the time when and the name of the person or persons from whom such money has been received, and also the amount and on what account the same was received, and also all sums remaining due and unpaid, which report shall include all receipts of money before mentioned that he has received during the year next preceding the date of his report, and if no such moneys have been received, his report shall state such fact. Said report shall be made to the board of supervisors of his county, duly verified by oath, and filed with the clerk of said board on or before the fifth day of November in each and every year, and no officer shall be entitled to receive payment for services, salary or otherwise from the supervisors, or from a city or county treasurer, unless he shall file with the supervisors his affidavit that he has made such report and has paid over all moneys which he is bound to pay over. § 1, ch. 404, 1863, as amended by ch. 341, 1864.

Officers receiving money for fines and penalties to report.

§ 186. Each officer who shall have received such moneys, as provided in the preceding section of this act, shall, within ninety days after the receipt thereof, pay the whole amount so received, without any deductions for costs or charges in collecting the same, to the treasurer of his county, who shall give to such person duplicate receipts therefor, one of which receipts shall be

Officers to pay moneys to county treasurer in ninety days after receipt of same.

attached to the annual report to the board of supervisors hereinbefore provided to be made: *Provided*, that nothing in the preceding section contained shall be construed to apply to moneys received by any town or city officer, in his official capacity as such town or city officer, specially appropriated for any town or city purpose. § 2, ch. 404, 1863.

Duty of
district
attorney.

§ 187. It shall be the duty of the district attorney of the several counties of this state to sue for and recover, in behalf of and in the name of his county, the money received by any officer for or on account of such county, or any town or city therein, and not paid to the county treasurer of such county, as provided in the preceding section of this act. § 3, same ch.

Disposi-
tion of
moneys.

§ 188. All moneys belonging to any town or city in such county which shall be received by the county treasurer shall be distributed to the several towns or cities entitled to the same, by resolutions passed by a majority of the board of supervisors at any legal meeting thereof, which resolutions shall be entered at length in the minutes of the proceedings of said board. § 4, same ch.

Neglect of
officer a
misdeme-
anor.

§ 189. Each officer of the several counties of this state who shall neglect or refuse to make the report or pay over moneys received by him, as provided in sections one, two and three of this act, shall be deemed guilty of a misdemeanor. § 5, same ch.

Brokers.

§ 190. Section three of article one (entitled "Regulations concerning brokers"), title nineteen, chapter twenty, part one, R. S. (1 R. S. 709), authorizes the overseers of the poor in certain cases to bring suits for violations of such article. And by section thirteen, title twenty, chapter twenty, part one, R. S. (1 R. S. 713), which title is entitled "Of unauthorized banking and the circulation of certain notes or evidences of debt issued by banks," all penalties prescribed by said title are to be paid to the county treasurer of the county where the offenses shall be committed, for the use of the poor of such county.

Railroad
companies
to furnish
their pas-
sengers
with
water.

By section three, chapter five hundred and eighty-two of eighteen hundred and sixty-four, every railroad company whose line of road shall exceed forty continuous miles in length is required, for the better comfort of passengers, to provide in each passenger car a suitable receptacle for water, with a cup or drinking utensil upon or near such receptacle; while such car is in use, constantly supplied with cool water; and any company failing to obey such provision shall, for each offense or omission as

Penalty
for not do-
ing so, half

RELIEF OF THE POOR.

51

aforsaid, forfeit as a penalty the sum of twenty-five dollars, one-half of said penalty to be paid to the informer and the remaining one-half to the overseer of the poor of the county in which judgment shall have been recovered. ^{of which when received to go to overseer.}



CODE RELATING TO THE POOR.

PART TWO.

LAWS SPECIAL IN THEIR NATURE RELATING TO THE POOR, AND TO OTHER MATTERS PERTAINING THERETO IN CERTAIN COUNTIES.

CHAP. II.

ALBANY COUNTY.

- SECTION** 191. Office of superintendent in Albany county abolished.
192. Overseer of poor in Cohoes has the same powers as town overseers.
193. Supervisors and mayor and recorder, in joint meeting, to prescribe rules and regulations in relation to temporary relief granted to the poor by the overseers, and regulate the pay to overseers, physicians and counsel relating to the poor.
194. Duties of clerk of board of supervisors in respect to such rules and regulations; officers to comply.
195. Laws passed by the common council of the city of Albany, involving an appropriation or expenditure of money for supporting the poor, to be by not less than a two-third vote.
196. Overseer of the poor in the city of Albany, when authorized to administer oaths and take affidavits; false swearing before overseer perjury.
197. Mayor of Albany authorized to appoint one overseer and other officers; powers and duties of such appointees to be prescribed; board of magistrates and their duties; moneys for the support of the poor in Albany, how to be raised; powers of common council respecting almshouse, poor persons, &c.
198. Distinction between town and county poor, how may be abolished.
199. Poor within the city and county of Albany, how supported; the poor of said city and of the several towns to be removed by the overseers to the almshouse; expenses of such removal, how borne and paid.
200. Mayor, &c., of Albany, to have charge of almshouse and farm, and the appointment of a superintendent, &c.
201. Poor moneys in the several towns and city, how to be disposed of and by whom to be accounted for.
202. Temporary relief of the poor.
203. Chamberlain, at the annual meeting of the board of supervisors to account for receipts and disbursements of the poor moneys, &c.
204. Persons neglecting to support their wives or children in Albany declared disorderly persons.
205. Vagrants in city of Albany may be committed to county jail for six months, provided not more than four persons be confined at one time.
206. Society for the relief of orphan and destitute children in the city of Albany incorporated.
207. Such society to be governed and directed by a board of managers, who are to appoint a president.
208. To take and hold property; amount limited.

SECTION 200. Children surrendered to the society, when may be bound out by the managers, and how.

210. Mayor of Albany, when to be *ex officio* guardian of children surrendered to the society, and to have power to surrender such children to the society for purpose of enabling managers to bind them out.

211. Managers of the society, how to be elected, and vacancy in board of managers, how to be filled.

212. Omitting to hold election on stated day; tie vote, &c.

213. Board, on first Monday in each year to exhibit to members of society their account.

214. Legislature may modify or repeal chapter 94, 1831.

215. Such society to be subject to certain provisions of Revised Statutes.

216. Children's Friend Society in city of Albany to provide for destitute children.

217. Persons contributing one dollar may be members.

218. Saint Vincent Roman Catholic orphan asylum in the city of Albany.

219. Children surrendered to the care of such asylum may be bound out.

220. When mother to be guardian for purpose of surrendering child to such asylum, and when mayor to be such guardian

221. General powers of such asylum.

§ 191. The office of county superintendent of the poor of the county of Albany is hereby abolished, and the provisions of the act passed December sixteen, eighteen hundred and forty-seven, requiring the election of such officers, so far as the same apply to the county of Albany, are hereby repealed. Ch. 207, 1849.

Office of superintendent in Albany county abolished.

§ 192. There shall be annually elected one overseer of the poor in said city [of Cohoes], who shall, subject to the provisions of this act, have the same powers, and be subject to the same restrictions and liabilities, as overseers of the poor of the towns of the county of Albany, and, for all purposes relating to the maintenance and support of the poor, the city shall be one of the towns of said county. § 3, title 6, ch. 912, 1869.

Overseer of the poor in Cohoes. To have power of town overseer.

§ 193. The said board of supervisors [of the county of Albany] and the said mayor and recorder [of the city of Albany], by their votes in joint meeting, shall make and prescribe such rules and regulations in relation to temporary relief granted to the poor by the overseers of the poor in the said city, and in the several towns in the said county, and the manner in which the same shall be chargeable, as they shall deem expedient; and they shall, in like manner, also determine and regulate the manner in which the salaries of overseers of the poor, payment to physicians and counsel fees in cases relating to the poor, accruing in the said city and in the said several towns, shall be audited, paid and made chargeable as they shall deem expedient. § 10, ch. 152,* 1844.

Temporary relief in Albany county.

§ 194. Whenever any rules, regulations, agreement or arrangement shall have been made or entered into under and in pursuance of the two preceding sections of this act,*

Duty of clerk of board of supervisors.

* As act for the construction of a penitentiary and in relation to the relief of the poor in the county of Albany, passed April 13, 1844.

the clerk of the said board of supervisors shall forthwith give notice of the particulars thereof, and of the time when the same shall take effect, to the clerk of the common council of the city of Albany and to the clerk of each of the towns in said county; and thereupon such officers of said city and towns, whose official functions in relation to the subject-matter of such rules, regulations, agreement or arrangement shall be altered or affected thereby, shall in all things comply therewith in the discharge of their respective official duties, so far as the same are affected thereby. § 11, ch. 152, 1844.

Officers to comply with rules and regulations.

§ 195. No law or ordinance shall be passed by the common council of the city of Albany, nor any resolution adopted involving an appropriation or expenditure of money for any purpose, unless by a vote of two-thirds of all the members elected to the said common council, to be taken by yeas and nays, which vote shall be entered on their minutes. Part of § 16,* title 6, ch. 77, 1870.

To raise moneys for the support of the poor by a two-third vote for that purpose.

Overseer of the poor to administer oaths.

§ 196. The overseer of the poor of said city shall have power to administer oaths and take affidavits in all matters pertaining to the duties of his office, and any willful false swearing in any affidavit so taken by him, or statement made before him under oath, shall be perjury, and be punishable accordingly. § 12, ch. 139, 1848. The mayor [of the city of Albany], with the consent and approval of the common council of the said city, shall biennially appoint one overseer of the poor, and such other officers as they may deem proper; and said common council shall prescribe the powers and duties of said officers, and regulate their salaries. Such officers shall continue in office until their successors have been appointed and duly qualified. Part of § 10, title 3, ch. 77, 1870. Every person elected or appointed to any office under the city government shall, on or before their term of office commences, or within ten days after notice of such appointment, take and subscribe, before the mayor, or any judge of a court of record, an oath or affirmation faithfully to perform the duties of his office; which oath or affirmation shall be filed in the office of the mayor. § 8, title 5, ch. 77, 1870.

Albany, overseer of the poor and poor officers, how to be appointed.

Salary and term of office.

Oath of office.

Official bond.

Powers of common council in relation.

* This section in effect repeals so much of section 1, ch. 139, 1848, as authorized the common council to raise money for the support of the poor less than by a vote of two-thirds of all the members elected to said council.

16. In relation to street beggars, vagrants and mendicants. * * Beggars.

19. In relation to intoxication, fighting, and quarreling in the streets. * * Intoxication.

23. In relation to disorderly and gaming-houses, their inmates and frequenters, and the suppression of vice and immorality. * * Disorderly houses.

31. In relation to the almshouse and the officers thereof, and to appoint during pleasure, on the nomination of the mayor, such officers as they may deem necessary for the good government of the said almshouse and the poor within the same, and within the city. Almshouse and the poor.

32. In relation to peace and good order. * * Part of § 12, title 3, ch. 77, 1870. And further, it shall be lawful for the said common council to select from the aldermen and justices of the peace in the said city, such and so many, as they think proper, to be called "the board of magistrates for the relief and support of the poor," who shall in such case exclusively possess the power and authority of applying and distributing the funds for the support of the poor in such manner as the common council may direct; and the said common council shall yearly determine the sum necessary to be raised by tax for the support and maintenance of the poor of the said city for the ensuing year; and the supervisors of the city and county of Albany, being served with a copy of the resolution of the said common council directing such sum, shall cause the same to be raised, assessed and collected according to law, and such moneys when collected by tax shall be paid to the chamberlain of the said city, and shall be drawn for and applied under the direction of the common council; and further, it shall be lawful for the common council to pass ordinances for regulating the almshouse and the officers thereof within the city; * * * and that the moneys directed by law to be applied for the support of the poor within the said city, or any part thereof, may be directed by the common council to be applied to the support of the said almshouse and poor within the same, in such manner as the said common council shall deem proper. Part of § 17, ch. 275, 1842. Board of magistrates.

§ 195. It shall be lawful for the board of supervisors of the county of Albany, and the mayor, aldermen and commonalty of the city of Albany, to enter into any contract or agreement between them to abolish all distinction between town poor and county poor in the said city and county from and after the first day of May next, and for appropriating the almshouse and farm now belonging thereto in the city of Albany for the support of all the poor in the city and county, transient and resident, and for the allowance of such sum to be paid to the said city by the county for the use of the same, and for any additional building and appurtenances, as the said supervisors May abolish distinction between town and county poor.

and the said mayor, aldermen and commonalty may agree upon; and any contract or agreement already made and entered upon the minutes of the said board of supervisors and of the said mayor, aldermen and commonalty, and agreed to by the said respective boards, for the purposes aforesaid, and not inconsistent with this act, shall be valid and effectual as if the same had been made after the passage of this act. § 18, ch. 275, 1842.

Poor, how supported.

§ 199. Every poor person entitled to support, according to law, within the said city and county of Albany shall, from and after the first day of May next, be supported and maintained by the mayor, aldermen and commonalty of the city of Albany at the expense of the county, and all poor persons so entitled to support on the first day of May next shall be removed by the overseers of the poor of the several towns and the overseer of the poor of the city of Albany to the said almshouse, at the expense of the several towns and the said city, each for the removal of the poor then belonging to them respectively; and thereafter the necessary expense of the removal of any poor person from any town in the said county to the said almshouse shall be paid on the certificate of the keeper of the almshouse by the chamberlain of the city of Albany. § 19, same ch.

Removal of poor to almshouse.

How to be paid for and by whom.

Mayor, &c., to have charge of almshouse and farm.

§ 200. The mayor, aldermen and commonalty of the city of Albany shall have the charge and care of the said almshouse and farm, and of all the said poor persons who may be removed there for support, and appoint a superintendent and physician and hire any other persons, necessary for the proper management and government thereof. § 20, same ch.

Poor money

§ 201. All the money which shall be received by the commissioners of excise, and all money received by the overseers of the poor in their official capacity, in the city and in the several towns in the said county, shall be paid over to the chamberlain of the city of Albany for the said mayor, aldermen and commonalty, within thirty days after the receipt thereof, under the penalties now provided by law, in cases where the distinction between the town and county poor is abolished, which money shall be disbursed for the support of the said poor, and accounted for by the said mayor, aldermen and commonalty in their annual account of receipts and disbursements. § 21, same ch.

Temporary relief of the poor. See ante, § 193.

§ 202. Temporary relief may be granted to poor persons by the several overseers of the poor of said county in the manner now provided by law, except that it shall not be necessary for any overseer to obtain an order for that purpose from a justice of the peace; but no such relief

shall be granted exceeding the sum of ten dollars for any one person or family, without the written assent of the supervisor of the town where such relief is granted, or, if in the city of Albany, without the assent of the board of magistrates for the relief and support of the poor of said city, which written assent shall accompany the order of the justice granting such relief and shall entitle the overseer to receive any sum he may have paid in pursuance of such order from the chamberlain of the city of Albany. § 22, ch. 275, 1842.

§ 203. At each annual meeting of the board of supervisors of the county of Albany, the chamberlain of the city of Albany shall exhibit an accurate account of the receipts and disbursements for the support of the said almshouse and the paupers therein, and the salaries and pay of the persons employed in the management thereof, to be audited and settled by the said board of supervisors, and the balance thereof, if any, together with such sum as the said board of supervisors shall estimate to be necessary to defray the expenses aforesaid during the succeeding year, shall be raised, levied and collected as part of the expenses of the county, and paid over to the chamberlain of the city of Albany for the use aforesaid. § 23, same ch.

Chamberlain to make yearly statements to board of supervisors

§ 204. All persons who have actually abandoned their wives or children in the city of Albany, or who may neglect to provide according to their means for their wives or children, are hereby declared to be disorderly persons within the meaning of title fifth of chapter twentieth of part first of the Revised Statutes, and may be proceeded against as such in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination to judge and determine, from the facts and circumstances of the case, whether the conduct of any person amounts to such desertion or neglect to provide for his wife or children. In all prosecutions under this section, the husband or wife of the party complained of shall be a competent witness. § 32, ch. 275, 1842, as amended by § 1, ch. 102, 1859.

Persons neglecting to support their wives and children in the city of Albany declared disorderly persons.

Husband or wife of the party complained of to be a competent witness.

§ 205. It shall be lawful for any police justice of the city of Albany, in all cases of complaints for vagrancy, to commit any person convicted upon such complaint, before said police justice, to hard labor in the county jail of the county of Albany, for a term not exceeding six months; provided there shall not be more than four persons, convicted upon such complaint, confined in the said jail at any one time. § 1, ch. 64, 1850.

Vagrants may be committed for six months to the county jail.

Proviso.

§ 206. All such persons as now are members of the society for the relief of orphan and destitute children in the city of Albany, and all persons who shall hereafter

Organisation of society for relief of

orphan and destitute children.

become members of said society, by subscribing to the constitution thereof and paying the sum of two dollars to the treasurer of said society, according to the by-laws thereof, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "The Society for the Relief of Orphan and Destitute Children in the city of Albany." § 1, ch. 94,^a 1831.

How governed.

§ 207. The estate and concerns of the said corporation shall be governed and directed by a board of managers composed of eleven persons, who shall from their body appoint a president by a majority of votes. § 2, same ch.

Its property

§ 208. The said corporation may take and hold such personal estate as may be devised or bequeathed to such corporation. The amount of real estate which it shall be lawful for such corporation to hold at any one time shall not exceed thirty thousand dollars; and the amount of personal estate which it shall be lawful for the said corporation to hold at any one time shall not exceed the sum of one hundred thousand dollars. § 3, same ch.

Binding out of children

§ 209. When a child shall be surrendered to the charge and custody of the managers of said corporation, by an instrument in writing signed by the parent or guardian of such child, the said managers may, in their discretion, bind out such child, being of the full age of eight years and not under, to some suitable employment, in the same manner as overseers of the poor are by law authorized to bind out poor and indigent children; but proper provision shall in every such case be made out and inserted in the indentures by which such child shall be bound to service, for securing an education fitting and proper for the condition and circumstances in life of such child. § 4, same ch.

Mayor to be guardian, &c., in surrendering children.

§ 210. The mayor of the city of Albany shall, ex officio, be the guardian of all such orphan children as have been or shall hereafter be offered to "The society for the relief of orphan and destitute children in the city of Albany," and shall have power to surrender such children to the charge and custody of the managers of the said corporation for the purpose of enabling the said managers to bind out such children, according to the provisions of the fourth section [section 209] of the act hereby amended. § 1, ch. 164,^b 1835.

Managers, how to be elected, and vacancies, how filled.

§ 211. The managers shall be elected by a plurality of ballots of the members of said society, on the first Monday of May of each year, at such place in the city of

^a An act to incorporate the society for the relief of orphan and destitute children in the city of Albany. Passed March 30, 1831.

^b An act to amend "An act to incorporate the society for the relief of orphan and destitute children in the city of Albany," passed March 30, 1831. Passed April 27, 1835.

Albany, and at such time of day as the board of managers may from time to time appoint, of which public notice shall be given; and if a vacancy shall be occasioned by the death, resignation or removal or otherwise, of any one of the said board, the same shall be filled for the remainder of the year by such person, being a member of said society, as the board of managers for the time being, or a major part of them, shall appoint; and until the election on the first Monday in May, in the year one thousand eight hundred and thirty-one, the board of managers shall be as follows: Edward C. Delavan, Samuel M. Hopkins, Jabez D. Hammond, John Willard, Joshua A. Burke, James Gourlay, James D. Wasson, John T. Norton, Edward Corning, George Young and Dyer Lathrop. § 5, ch. 94, 1831.

§ 212. If the annual election shall not be made on the stated day, the said corporation shall not thereby be dissolved, but the members of the said board shall continue in office until a new election, which shall be made at such time and place, and after such notice as the said board shall prescribe; and in case an equal number of votes for any two or more persons shall be given as a member of the said board of managers, the said board shall determine which of such persons shall be considered as elected. § 6, same ch.

Effect of omitting to hold election.

§ 213. The board shall, on the first Monday of May in each year, exhibit to the members of the said corporation an exact account of the receipts and disbursements of the preceding year. § 7, same ch.

Exhibit of receipts and disbursements.

§ 214. The legislature may at any time, in their discretion, alter, modify or repeal this act. § 8, same ch.

Modifications.

§ 215. The said corporation shall be subject to the provisions of the third title of the eighteenth chapter of the first part of the Revised Statutes. § 9, same ch.

Corporation subject to provisions of R. S.

§ 216. The society or incorporation heretofore formed in the city of Albany, under the name of "The Children's Friend Society," is hereby authorized, in addition to the objects expressed in its certificate of organization, to provide, in said city, a day home for such children as are fit objects of such charity, and especially for such as are unable or unwilling to attend ward schools; to instruct them in the rudiments of learning and work; to furnish a noon-day meal, and, in extraordinary cases, to furnish a temporary home for day and night to destitute children. § 1, ch. 98, 1863.

Children's friend society.

§ 217. All persons who shall contribute annually the sum of one dollar or more to the funds of said corporation may be members thereof. § 2, same ch.

Roman
Catholic
orphan
asylum.

§ 218. John J. Conroy, James Maher, Peter M. Morange, John Tracey, William D. Morange, Richard J. Carmody, Miles J. Carroll, Oliver Wallace, Philip Maguire, Bryan Smith, Henry Hill and Peter White, and all other persons who now are or may hereafter become members of the Saint Vincent's orphan asylum society in the city of Albany, shall be and are hereby constituted a body corporate, by the name of "The Saint Vincent's Orphan Asylum Society in the city of Albany," for the purpose of providing relief, maintenance and education to orphan and destitute children. § 1, ch. 152, 1849.

Children
may be
bound out.

§ 219. When a child shall be surrendered to the care and custody of the said corporation, by the parent or guardian of such child, the managers may bind out such child, being of the full age of eight years, to some suitable employment, in the same manner as overseers of the poor are authorized to bind out poor and indigent children, but provision shall be inserted in the indentures of said child for securing an education suitable for such child. § 2, same ch.

Guardian.

§ 220. In case of the death of the father of any destitute child, the mother shall be the guardian of said child for the purpose of surrendering the said child to the care and custody of the managers of said corporation; and in case of the death of both parents, the mayor of the city of Albany shall be, ex officio, the guardian of said child for the purpose of enabling said managers to bind out said child. § 3, same ch.

General
powers.

§ 221. The said corporation shall possess the general powers and be subject to the provisions contained in the act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April twelfth, eighteen hundred and forty-eight, also in title three of chapter eighteen of the first part of the Revised Statutes. § 4, same ch.

CHAP. III.

ALLEGANY COUNTY.*

SECTION 222. Superintendents' accounts, how audited.

Superinten-
dents' ac-
counts, how
audited.

§ 222. The accounts of superintendents of the poor of Allegany county shall be audited by the board of supervisors of said county in the same manner as the accounts of other officers and persons. Ch. 63, 1869.

* See post, chapter 4.

CHAP. IV.

RELATING TO THE COUNTIES OF ALLEGANY, BROOME, CATTARAUGUS, CHAUTAUQUA, CORTLAND, DUTCHESS, ESSEX, HERKIMER, JEFFERSON, LIVINGSTON, ONEIDA, ONONDAGA, OTSEGO, SARATOGA, SENECA, STEUBEN, TIOGA AND ULSTER.*

SECTION 223. Distinction between town and county poor in the counties of Herkimer, Tioga and Saratoga may be restored.

224. Duty of clerk of board of supervisors in case such distinction is restored.

225. How distinction between town and county poor may be restored in the counties of Jefferson, Chautauqua, Cattaraugus, Otsego and Steuben.

226. Duty of the clerk of the board of supervisors.

227. Distinction between town and county poor in the counties of Essex, Oneida and Dutchess, how restored.

228. Duty of clerk of board of supervisors.

229. Distinction between town and county poor of Livingston, Sullivan, Broome, Cortland, Orange, Allegany, Seneca, Franklin, Onondaga and Ulster counties, how restored; duty of clerk of board of supervisors in such case; unlawful to put up at auction or sale the keeping of any poor or indigent person.

§ 223. The board of supervisors of the counties of Herkimer, Tioga and Saratoga, at any annual meeting, or at any special meeting called for that purpose, may determine to restore the distinction between the county poor and town poor in their said counties respectively; and upon their filing such determination, duly certified by the clerks of said several boards, with the county clerks of their respective counties, the said poor shall be maintained as is now provided by law for the maintaining the poor in those counties in which the distinction between county and town poor now prevails. § 1, ch. 208, 1843.

Distinction may be restored in Herkimer, Tioga and Saratoga counties.

§ 224. When the supervisors of the said counties shall have determined to restore the distinction between county poor and town poor, the clerk of the board of supervisors shall serve or cause to be served a copy of the resolution making such determination upon the clerk of each town within said county, and upon the superintendents of said county. § 2, same ch.

Notice, when to be served on town clerks

§ 225. The board of supervisors of the counties of Jefferson, Chautauqua, Cattaraugus, Otsego and Steuben, at any annual meeting, by a vote in favor thereof of the majority of the members elected, may determine to re-

Distinction may be restored in Jefferson, Chautauqua, Cattaraugus

* See chapter 194, sec. 4, sub. 10, 1842, ante § 54.

Otsego and
Steuben.

store the distinction between county poor and town poor in their said county; and upon filing such determination, duly certified by the clerk of said board, with the county clerk of said county, the poor shall be maintained as now provided by law for maintaining the poor in those counties in which the distinction between county and town poor now prevails. § 1, ch. 163, 1844.

Notice,
when to be
served on
town clerks

§ 226. When the supervisors of any such county shall have determined to restore the distinction between county poor and town poor, the clerk of the board of supervisors shall, within sixty days thereafter, serve or cause to be served a copy of the resolution making such determination upon the clerk of each town within said county, and upon the superintendents of said county. § 2, same ch.

Distinction
may be
restored in
Essex,
Oneida and
Dutchess.

§ 227. The board of supervisors of the counties of Essex, Oneida and Dutchess, at any annual meeting, by a vote in favor thereof of the majority of members elected, may determine to restore the distinction between county poor and town poor in said county; and upon filing such determination, duly certified by the clerk of the said board, with the county clerk of said county, the poor shall be maintained as now provided by law for maintaining the poor in those counties in which the distinction between county and town poor now prevails. § 1, ch. 155, 1845.

Town
clerks to be
notified.

§ 228. When the supervisors of any such county shall have determined to restore the distinction between county poor and town poor, the clerk of the board of supervisors shall, within sixty days thereafter, serve or cause to be served a copy of the resolution making such determination upon the clerk of each town within said county, and upon the superintendents of said county. § 2, same. ch.

Distinction
to be res-
tored in
Livingston
and other
counties.

§ 229. The board of supervisors in any of the counties of Livingston, Sullivan, Broome, Cortland, Orange, Allegany, Seneca, Franklin, Onondaga and Ulster, at any annual meeting, by a vote of a majority of all the members elected, in favor thereof, may determine to restore the distinction between county poor and town poor in their counties respectively; and upon their filing such determination, duly certified by the clerk of the board, with the county clerk, the distinction between the county poor and the town poor shall thereupon be restored from and after the time to be fixed by such board of supervisors, either at the commencement or the close of the year for which said supervisors were elected to serve. It shall not be lawful for any officer whose duty it may be to provide for the maintenance, care or support of poor and indigent persons at public expense, to put put up at auction or sale, the keeping, care or maintenance of any such

poor or indigent person to the lowest bidder; and every contract which may be entered into for the support, care or maintenance of any such poor or indigent person, in pursuance of, or accordance with, any bid or bids made at any auction or public competition for the support, care or maintenance of any such poor persons, shall be absolutely void. Ch. 176, 1848.*

CHAP. V.

BROOME COUNTY.

SECTION 230. One overseer of the poor of the city of Binghamton to be elected.

231. Duration of office of such overseer and his duties and liabilities.

§ 230. The officers of the city [of Binghamton] elected by general ticket shall be a mayor, * * and one overseer of the poor. Part of § 1, title 3, ch. 291, 1867.

Overseers
of poor in
Bingham-
ton.

§ 231. The overseers of the poor shall hold office one year, and possess all the powers and authority of overseers of the poor in the several towns of this state and county, and shall be subject to the same duties, obligations and liabilities. § 11, title 5, same ch.

Terms of
office and
powers.

CHAP. VI.

CAYUGA COUNTY.

SECTION 232. Three superintendents of poor in Cayuga county.

233. One of whom to be elected annually, and to hold office three years.

234. Board of supervisors to audit and settle accounts of superintendents and overseers of the poor.

235. Board of supervisors have power to contract for supplies for county and to fix salary of overseers of poor in city of Auburn.

236. Superintendents of poor a subordinate board to assist in auditing the poor expenses of county.

237. Superintendents and overseers of poor cannot be interested in furnishing supplies, and no accounts audited unless items are expressed and accounts duly verified.

238. Superintendents to render statement under oath each year to board of supervisors.

239. Overseer of poor to enter in a book statement, and to furnish supervisor of his town transcript of the same one week before annual meeting of supervisors.

* Some of the provisions contained in this and the six preceding sections are, perhaps, superseded by subdivision ten, of section four, of chapter 184, of the Laws of 1860 (see sec. 54, *infra*): but as the particular mode of proceeding in restoring the distinction between town and county poor is specified in these sections, it has been deemed proper to insert them entire as they were passed.

SECTION 240. Board of supervisors have power to direct manner in which supplies shall be obtained, and manner of affording temporary relief for poor; repeal of inconsistent laws.

241. Cayuga asylum for destitute children, its object to provide a home for orphan and destitute children.

242. Corporate powers executed by a board of nine trustees; its domestic concerns by a board of female managers.

243. Trustees and managers, and such women as they shall admit as members, shall be entitled to vote at election and on questions submitted.

244. The property of the corporation vested in and managed by the board of trustees.

245. Board of trustees shall have power to choose president and secretary, to appoint agents and servants and fix duties and compensation and to make laws governing their action.

246. When a child is surrendered to their charge may bind out.

247. Shall be entitled to distributive share of school moneys raised in the state and in city of Auburn.

248. Superintendent of the poor of Cayuga county to contract with the managers to board and clothe children, not to exceed eighty cents per week, and be entitled to money appropriated for orphan asylums in the state.

249. Orphan asylum of the Holy Family, of Auburn; its object, to provide relief for orphan and destitute children of that city.

250. Trustees may bind out children surrendered to their care, when of the full age of eight years.

251. Male inhabitants of the village of Moravia shall be assessed poll tax of fifty cents, except certain persons.

252. One overseer of poor in city of Auburn.

253. Shall hold office for one year.

254. Common council shall fix salary and may remove.

255. Such overseer of poor shall have same powers and be subject to same restrictions as others in Cayuga county, and report to common council each month.

256. Indigent persons in Auburn to be supported in the manner provided by law.

257. Such overseer to bind out children, and to have such other powers as are conferred on town overseers.

258. Poor accounts to be audited by supervisor, justice of the peace and city clerk.

259. Overseer to keep an office and make monthly reports, and in relation to the purchase of supplies.

260. Compensation of overseer to be determined by the common council.

Three superintendents poor in Cayuga co. § 232. Hereafter there shall be three superintendents of the poor in the county of Cayuga. § 1, ch. 141, 1862.

Their election. § 233. There shall be elected at the next annual state election two superintendents of the poor in said county. The clerk of said county, on the first day of January thereafter, shall determine by lot which of the persons so chosen shall serve three years and which two years, and they shall serve accordingly. At each annual election thereafter there shall be elected one superintendent of the poor in said county, who shall hold his office for

rs from the first day of January next after such
§ 2, ch. 141, 1862.

The board of supervisors of the county of Cayuga shall hereafter at their annual meeting audit and settle all accounts of the superintendents of the poor, the keeper of the county poor-house of said county, the overseers of the poor of the city of Auburn, and of the several towns of said county, for several expenses incurred by them for the temporary relief of the county poor of said county, and the accounts for persons for like services rendered, or for supplies furnished, and for medical attendance by physicians on the poor chargeable to said county. § 1, ch. 233,

Board of supervisors to audit and settle accounts of superintendents of poor and overseers in respect to temporary relief.

The board of supervisors of said county shall have power to contract with any person or persons for supplies to be furnished to the poor chargeable to said county, and to fix the salary of the overseers of the poor of the city of Auburn, in said county, for their personal services in the discharge of their official duties, so far as relates to the paupers of said county, chargeable to said county of Cayuga. § 2,

Power to contract with persons for supplies.

The superintendents of the poor of the county of Cayuga are hereby constituted a subordinate board of audit, to assist in auditing the poor expenses of said county, and shall be under the direction and control of the board of supervisors of said county. § 3, same ch.

Superintendents of poor a board of auditors, &c.

The superintendents of the poor of said county, the keeper of the county poor-house and the overseers of the poor of the towns and of the city of Auburn, in said county, shall not, nor shall either of them be directly or indirectly interested in any supplies furnished or ordered by them or either of them; and no accounts shall be rendered by said board of supervisors for services rendered, or supplies furnished for the poor of said county, unless the same shall be made out in items, with dates, showing the time and nature of the services rendered, the quantity and quality of the articles furnished, and the date when the same were delivered, duly verified according to the form prescribed by law applicable to accounts rendered by boards of supervisors. § 4, same ch.

Superintendents not to be interested in supplies furnished, &c.

The superintendents of the county poor shall, at each year, render under oath to the board of supervisors of said county, at its annual meeting, a true and correct statement of all moneys received by them from the county, and from the commissioners of emigration, in support of the county paupers, of all the products of the county farm, belonging to the said county.

Statement under oath to board of supervisors.

poor-house, and of the disposition whis^a has been made of the same, and of all labor which has been performed by the county paupers, or by any property belonging to the county, with the manner in which and the persons for whose benefit the same has been performed. § 5, ch. 233, 1858.

Book to be kept, &c.

§ 239. It shall be the duty of each overseer of the poor in said county of Cayuga, to enter in a book to be by him kept for that purpose, a full and accurate statement of all sums of money by him received or expended as such overseer of the poor, with the date of the receipt and disbursement thereof, the name, age and sex of each poor or indigent person relieved by him, and the cause of pauperism or indigence in each case, so far as the same can be ascertained, and the items of expenditure in the relief of each such poor or indigent person. It shall be the duty of each of said overseers of the poor to make and furnish to the supervisor of his town, within one week preceding the annual meeting of the board of supervisors, a just and accurate transcript of all the statements and entries so required to be made by him, for the year ending on the first day of November in each year; and it shall be the duty of each supervisor to whom such statement shall be furnished, to deliver the same to the clerk of the board of supervisors of said county, on or before the first day of the meeting of said board in each year. § 6, same ch.

Power of board of supervisors, &c.

§ 240. The board of supervisors of said county shall have power to direct by resolution, to be entered on its minutes, in relation to and the manner in which the supplies for the county poor-house, or any portion thereof, shall be purchased, obtained or contracted for, and also as to the amount and manner of affording temporary relief by the overseers of the poor of the several towns in said county; and when any such direction shall be given by said board of supervisors, the same shall be observed and carried out by the said superintendents and overseers of the poor. All provisions of law inconsistent with the provisions of this act are hereby repealed. §§ 7, 8, same ch.

Cayuga asylum for destitute children created.

§ 241. The persons hereinafter named, and such others as shall hereafter become members of the corporation in manner hereinafter mentioned, are constituted a body corporate by the name of "the Cayuga asylum for destitute children;" the object of the society shall be to provide a temporary home for orphan, half-orphan and destitute children, supply their necessities, promote their

^a So in the original.

moral, intellectual and religious improvement, and fit them for situations of usefulness. § 1, ch. 207, 1852.

§ 242. The corporate powers of this society shall be exercised, in regard to its property, by a board consisting of nine male trustees; and in regard to the appropriation of its income, the care and management of the children, and of its internal and domestic concerns, by a board of female managers, consisting of a first, second and third directress, a treasurer, a secretary, and twenty-seven other female managers, residing at the time of their election or appointment in the county of Cayuga. § 2, ch. 207, 1852.

Corporate powers exercised by a board of nine trustees.

§ 243. The trustees and managers for the time being, and all such women as they shall admit as members, and as shall annually contribute to the funds of the society the sum of one dollar or upwards, or such other sum as shall hereafter be prescribed by the by-laws of the board of managers, shall, during the respective periods of their continuance in office, and during the years in or for which such contributions shall be made, be the members of the society, and be entitled to vote at its elections, and upon all questions submitted to its decision by the board of managers and board of trustees respectively, or either of them, at any public meeting of the society regularly convened. § 3, same ch.

Who shall be members.

§ 244. The property of the corporation, both real and personal, shall be vested in and managed by the board of trustees, who shall be ex officio counselors of the board of managers, and as such shall be bound, from time to time, upon reasonable request of the said board of managers, to advise them as to the performance of their duties, and to furnish them with such information as shall be needful regarding the property and funds of the said corporation. § 5, same ch.

Property managed by the board.

§ 245. The board of trustees shall have power, by a majority of votes, to choose a president and secretary from their own body, and to appoint such agents and servants as may, from time to time, be necessary in the performance of their trust, and to compensate and pay such agents from the funds of the corporation, and to prescribe the duties of such officers and servants respectively; and also to make such by-laws and regulations (not inconsistent with the laws of this state) for the government of their own board, and for improving, investing and disposing of the funds and property of the society as they may, from time to time, judge necessary and expedient. § 6, same ch.

May choose a president and secretary and appoint agents, &c.

§ 246. Whenever any child shall be surrendered to the charge and direction of the said corporation, by any instrument in writing, signed by a parent or guardian of

When a child is surrendered to charge of

corpora-
tion.

such child, or by a superintendent of the poor of the county of Cayuga, or by one of the overseers of the poor of the city of Auburn, the said trustees may, in their discretion, bind out such child to some suitable employment, in the same manner as overseers of the poor are by law authorized to bind out poor and indigent children; proper provisions shall in every such case be made and inserted in the indentures by which said child shall be bound to service, for securing an education proper and fitting to the condition and circumstances in life of such child, and for the instruction in mechanical or agricultural pursuits. § 10, ch. 207, 1852.

School
moneys.

§ 247. The said society shall be annually entitled to such distributive share of the school moneys raised in this state, and also in the city of Auburn, in the same manner and to the same extent as is now or shall be provided in respect to the common schools of said city; and the school of said society shall, for all purposes, be considered a separate and additional district school in said city, and shall be subject to the general supervision of the board of education of said city, though remaining and being at all times under the immediate direction and management of the said society. § 12, same ch.

Supervi-
sors au-
thorized
to instruct
superin-
tendents
to con-
tract with
managers
of asy-
lum.

§ 248. The board of supervisors of the county of Cayuga are hereby authorized to instruct the superintendents of the poor of said county to annually contract, with the managers of said asylum, to board and clothe all children thrown on said county for support, who are of a proper age to receive its benefits, at a price not exceeding eighty cents each per week for their support. And the said board of supervisors are hereby authorized to levy and collect annually, in advance, in the same manner as other county charges are levied and collected, such sums of money for the above said purpose as the said board of supervisors may deem necessary and expedient; the same to be paid quarterly, by the treasurer of said county, to the treasurer of the Cayuga asylum, on the presentation to him of bills, properly verified, according to contract with the superintendents of the poor; and the said society shall, upon complying with the terms mentioned in the second section of chapter three hundred and sixty-eight of the laws of one thousand eight hundred and forty-nine, be entitled to a distributive share of the moneys appropriated out of the treasury, and distributed as therein directed, or as shall hereafter be provided by law in relation to the orphan asylums in this state. § 13, ch. 207, 1852; as amended by § 1, ch. 69, 1862.

Orphan
asylum of
the Holy
Family.

§ 249. All such persons as now are or may hereafter become members of the "Orphan Asylum of the Holy Family" society, of the city of Auburn, shall be and are

hereby constituted a body corporate by the name aforesaid, for the purpose of providing relief, maintenance and education of orphan, half-orphan and destitute children in the city of Auburn. § 1, ch. 623, 1853.

§ 250. When a child shall be surrendered to the care and custody of the said society, by the parent or guardian of such child, the trustees may bind out such child, being of full age of eight years, to some suitable employment, in the same manner as overseers of the poor are authorized to bind out poor and indigent children; but provisions shall be inserted in the indentures of said child for securing an education suitable for such child. In case of the death of the father of any destitute child, the mother shall be guardian of said child for the purpose of surrendering said child to the care and custody of the trustees of said corporation; and, in case of the death of both parents, the mayor of the city of Auburn shall be ex-officio the guardian of said child for the purpose of enabling said trustees to bind out said child. §§ 5, 6, same ch.

Power of trustees to bind out children.

Mother to be guardian when father is dead.

§ 251. Every male inhabitant of the village of Moravia, above the age of twenty-one years (except ministers of the gospel and priests of every denomination, paupers, idiots, lunatics, and persons whom the said trustees may exempt by reasons of indigence), shall be assessed at least the sum of fifty cents, as a poll tax. Part of § 3, title 4, ch. 44, 1859.

Poll tax.

§ 252. The officers of said city [Auburn] shall consist of * * * one overseer of the poor. Part of § 5, title 3, ch. 273, 1869.

Auburn, overseer in.

§ 253. All officers elected or appointed under this act, except justice of the peace, police justice, aldermen, school commissioners and assessors, shall hold their office for one year, and until their successors shall qualify. § 18, title 3, ch. 273, 1869.

Term of overseer, &c.

§ 254. The common council shall have power to prescribe the duties and compensation or salary of every officer appointed by it under this act, subject to the provisions of this act, and may remove the overseer of the poor or any of the constables elected under this act, for incapacity, neglect of duty or official misconduct, after giving such officer or officers notice and opportunity to remove such charges. § 36, title 4, ch. 273, 1869.

Salary of appointive officers.

Removal of overseer or constables for cause.

§ 255. The overseer of the poor shall, subject to the provisions of this act, have the same powers, perform the same duties, and be subject to the same restrictions and liabilities as overseers of the poor in any town of Cayuga county. He shall keep his office in some central and convenient part of the city, to be approved by the common council, and shall, at the first regular meeting of the

Overseer of the poor and his powers.

To keep an office.

- Monthly report.** common council in each month, report to the common council in detail all appropriations, expenditures and allowances made by him as such officer during the month preceding, which report shall specify the name of each person relieved, with the quality and price of each article furnished and from whom obtained. § 61, title 5, ch. 273, 1869.
- Relief of indigent persons in Auburn.** § 256. Indigent persons, and such others as shall be entitled to relief under the laws of the state, who are or shall become chargeable, or likely to become chargeable, to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of Cayuga. § 202, title 16, ch. 273, 1869.
- Powers of overseer of the poor.** § 257. The overseer of the poor to be elected under and by virtue of this act for the city of Auburn shall possess all the powers and authority of overseers of the poor of the several towns of this state, in relation to the support or relief of indigent persons, the binding out of children, the safe keeping and care of lunatics, the care of habitual drunkards, the binding and contracting for the service of disorderly persons, the support of bastards, and proceedings to charge the fathers and mothers of such bastards, and all such other powers as are conferred on overseers of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities. § 203, same title.
- Binding out of children.**
- Poor accounts, how audited.** § 258. All charges and accounts against said city for services rendered, acts done or means furnished, under and by virtue of sections two hundred and two and two hundred and three (sections 256, 257), shall be audited by the supervisors and justices of the peace of said city and the city clerk, in the same manner and at the time similar accounts are audited in the several towns in the county of Cayuga by the respective town boards; and all accounts properly chargeable against the county of Cayuga shall be audited by the board of supervisors of said county, in the same manner as the accounts of towns and town officers are by them audited and allowed. § 204, same title.
- Overseer to keep office.** § 259. The said overseer of the poor shall keep his office in some central and convenient place of the city, to be approved by the common council, and shall make his report at the time and in the manner prescribed by section sixty-one (section 255), title five of this act, in relation to his powers and duties. He shall, except as herein otherwise provided, be subject to the provisions of the act entitled "An act in relation to the auditing of expenses for the support of the poor and the purchase of supplies in the county of Cayuga," passed April fifteenth, eight-

een hundred and fifty-eight. (See ante, §§ 234-240.)
 § 205, title 16, ch. 273, 1869.

§ 260. Said overseer of the poor shall receive such annual compensation or salary as the common council of said city shall determine. § 206, same title. Compensation.

CHAP. VII.

CATTARAUGUS COUNTY.

SECTION 261. Supervisors may remove county poor-house.

262. Supervisors may sell poor-house farm in town of Machias.

263. Thomas asylum for Indian orphans on Cattaraugus reservation.

264. Trustees may supply vacancies ; six of, shall constitute a quorum.

265. Trustees may lease or purchase real estate ; and in case same not used for purposes of corporation, to revert.

266. Appropriation of two thousand dollars and also of five hundred dollars a year for two years.

267. Asylum to share in appropriations hereafter to be made to asylums in the state.

268. Trustees to select orphans from each of the reservations.

269. Asylum subject to visitation and control ; also to report to superintendent of public instruction or commissioners of Indian affairs.

270. Treasurer to pay one thousand five hundred dollars for the purpose of completing and furnishing asylum building.

§ 261. The board of supervisors of the county of Cattaraugus at any annual meeting of said board, by the affirmative vote of two-thirds of all the members elected, may remove the county poor-house to any part of the said county, and for that purpose may designate and purchase a new site for the poor-house buildings, and cause the necessary buildings to be erected upon the site so designated. § 1, ch. 275, 1860. Cattaraugus county poor-house may be removed.

§ 262. In case of such removal the said board of supervisors, by the affirmative vote of two-thirds of all the supervisors elected, are authorized to sell and dispose of all and singular the poor-house farm and its appurtenances, situate in the town of Machias in said county, upon such terms and in such a manner as they shall deem advisable. § 2, same ch. Poor-house farm may be disposed of.

§ 263. For the purpose of establishing and maintaining on the Cattaraugus reservation an asylum for orphan and destitute Indian children, Eber M. Petit, Chauncey T. Carrier, S. G. Ellis, Elisha Brown and Asher Wright, Indian orphan asylum.

- white men, and Sylvester Lay, Wallace King, Zechariah L. Jameson, Lewis Seneca and Joshua Pierce, Indians, and their successors, are hereby constituted a body corporate, by the name of the Thomas asylum for orphan and destitute Indian-children, and shall possess the powers and be subject to the provisions of the third title of the eighteenth chapter and first part of the Revised Statutes, so far as the same are applicable and have not been repealed; and shall be capable of taking and holding, by gift, grant or devise, real and personal property, to be applied to the purposes of the corporation, the annual income of which shall not exceed five thousand dollars. § 1, ch. 233, 1855.
- Property.**
- Trustees.** § 264. The persons above named shall be the first trustees of the said corporation, and shall supply any vacancies which may occur in their number by their own appointment. Six of their number shall constitute a quorum for the transaction of business. § 2, same ch.
- Real estate** § 265. The said trustees may acquire the right to the occupancy and use of land on the Cattaraugus reservation, for the purposes of the corporation, not exceeding fifty acres, either by an act of appropriation by the government of the Seneca nation of Indians, or by lease or purchase from any individual Indian or Indians; but if such land shall at any time cease to be needed for the purposes of said corporation, it shall revert to said government, in case it was received therefrom, on payment of the fair value for such improvements as may have been made thereon; and if it shall have been obtained by purchase from any Indian or Indians, the trustees may sell it, with the improvements thereon, to any Indian or Indians; the proceeds, in either case, to be devoted to the charitable objects of the corporation. § 3, same ch.
- Appropriation.** § 266. The treasurer shall pay, on the warrant of the comptroller, to the order of the superintendent of public instruction, from the general fund, the sum of two thousand dollars for the purpose of erecting suitable buildings for the accommodation of at least fifty children, either at one place or at separate places, for boys and girls respectively; and the superintendent of public instruction shall issue his order for the same, in successive portions of five hundred dollars each, whenever he shall be certified by the affidavit of the president, clerk and treasurer of said corporation that such successive amounts have been expended for said purpose. He shall also pay in like manner the sum of five hundred dollars a year for two years, in quarterly payments, for the support of said children, when the superintendent of public instruction shall be in the same manner certified that

which children have been sustained in the said asylum; the quarter for which payment is sought; and in proportion for any less number which shall have been sustained: which moneys are hereby appropriated for the said purposes. § 4, ch. 233, 1855.

17. The said asylum shall be entitled to share in appropriations hereafter to be made to the incorporated asylums in the state, and for this purpose shall be deemed an incorporated orphan asylum of this state. See ch. 233, § 4.

To share
in appro-
priations.

18. The trustees of said asylum shall, on application, select orphan children from each of the several institutions located within this state, and, in making selection, regard shall be had to a just participation in the privileges of this act by each of such reservations; and, as far as practicable, reference shall be had to the population of each of said reservations in determining selection. § 6, same ch.

Selection
of orphans

19. The Thomas asylum shall at all times be subject to the visitation and control of the superintendent of public instruction, or such board of commissioners for the affairs as may hereafter be constituted and appointed by the legislature; and the trustees of said asylum shall annually report to said superintendent of public instruction, or to said commissioners, the condition of the asylum, including a true account of the receipts and disbursements of all moneys which shall come into the hands for the benefit of such asylum. § 7, same ch.

Subject to
visitation
of superin-
tendent of
public in-
struction.

20. The treasurer shall pay, on the warrant of the controller, to the order of the superintendent of public instruction, from the general fund, as provided in section 2 of chapter two hundred and thirty-three of the session of eighteen hundred and fifty-five, the further sum of one thousand five hundred dollars, for the purpose of erecting and furnishing the buildings of the Thomas asylum for orphan and destitute Indian children; and said sum is hereby appropriated for that purpose. ch. 60, 1856.

Money,
how paid.

CHAP. VIII.**CHAUTAUQUA COUNTY.**

SECTION 271. Burial place for the poor of Jamestown.

272. Deputy superintendent of the poor of Chautauqua county; how appointed; term of office.

273. Overseer in Dunkirk, how elected.

274. Overseer not to be interested in purchase of supplies.

James-
town
burial
place for
the poor.

§ 271. [If the trustees of the village of Jamestown shall convey to the Lake View cemetery, as authorized by section one, chapter five hundred and sixty-six of the laws of eighteen hundred and sixty-six], so much of the said cemetery grounds as have been set apart for the burial of poor persons, shall, notwithstanding such conveyance, forever remain appropriated for the burial of such poor persons as shall be inhabitants of said village, or who shall die therein; and the said association, its trustees and officers, shall have no authority by virtue of this act, or of such conveyance, to make any other disposition thereof. § 2, ch. 566, 1866.

Deputy
superin-
tendent
of poor.
Modified;
see suc-
ceeding
sections.

§ 272.^a The superintendents of the poor of the county of Chautauqua are hereby authorized to appoint a deputy superintendent of the poor, who shall be a resident of said town [of Dunkirk], and hold his office for one year and until his successor shall be appointed, unless sooner removed by said superintendents for cause. In addition to such powers as said superintendents may legally invest said deputy with, he shall possess all the powers and duties now held by overseers of the poor, and the office of overseer of the poor in said town of Dunkirk is hereby abolished. Part of § 4, ch. 77, 1866.

Dunkirk
overseer.

§ 273. The officers of the town of Dunkirk, to be elected at the annual town meeting, shall be separate and distinct from the village officers [of the village of Dunkirk],^b except such officers as are hereinafter designated, and shall consist of a supervisor, town clerk, two justices of the peace, one commissioner of highways, three assessors, who shall hold their office for the term of three years; one overseer of the poor, one collector of taxes, three inspectors of election in each election district of said town, who

^a The whole or the greater part of this section, 272, has been superseded or modified by the succeeding sections of this chapter.

^b By section nine of title four of chapter 479 of the laws of 1867, it is provided that the overseer of the poor of Dunkirk shall hold his office for the term of one year, and shall enter upon the duties of the office upon the Monday next succeeding his election. By section one of the same title, as amended by section 2, ch. 24, 1870, it is provided that the annual town and village election shall be held on the first Tuesday of March in each year. By section 10 of ch. 24, 1870, section 13 of title 6, ch. 479, 1867, is repealed.

shall preside at the annual town and village elections in said town and village, as now provided by law; said inspectors of elections shall be residents of the ward for which they are elected. § 1, title 3, ch. 479, 1867, as amended by § 1, ch. 24, 1870.

§ 274. The overseer of the poor of the town of Dunkirk, in performing the duties of his office, under the laws of this state, shall not furnish to any person whatever, groceries, provisions, wood, medicines or property out of any groceries, provisions, wood, medicines or property belonging to himself, or in which he shall be interested, nor shall he be interested in any contract for the purchasing of such groceries, provisions, wood, medicines or property. In case of the violation of this section by the said overseer, all officers and persons to whom the knowledge of such violation shall come are hereby prohibited from auditing or allowing to such overseer any account or claim for any groceries, provisions, wood, medicines or property so furnished, and the said overseer shall not be entitled to receive of any person, officer or corporation, any such account or claim, or any part thereof. § 19, same title.

Overseer of poor not to be interested in supplies.

CHAP. IX.

CHEMUNG COUNTY.

SECTION 275 Expenses for support of poor in Chemung county to be audited by board of supervisors.

276 Overseer of poor of Elmira to be elected by the city at large.

277 Powers and duties of overseers; compensation to be fixed by the common council.

278 Overseer to give security; to present estimate of amount of poor fund to the common council in July, they to present the same to supervisors, who shall cause the same to be levied.

279 Overseer to hold office for one year; vagrants, &c., in Elmira.

§ 275. The county charges for maintaining the poor for the county of Chemung, and all expenses connected with growing out of the maintaining of such poor, shall be audited by the board of supervisors of the said county, in the same manner as other county expenses are audited. § 1, ch. 259, 1858.

Chemung county poor expenses to be audited.

§ 276. The officers of said city [Elmira] shall consist of one overseer of the poor, to be elected by the city at large. Part of § 1, title 2, ch. 139, 1864, as amended by § 1, ch. 86, 1865, § 5, ch. 39, 1867, and § 1, ch. 755, 1870.

Overseer of the poor in Elmira.

Salary and
duties of
overseer
of the poor

§ 277. The overseer of the poor, provided for by this act, shall have the same powers and duties as overseers of the poor in any town in the county of Chemung, except as otherwise provided by this act. The said overseer shall receive for his services a salary not exceeding three hundred dollars in each year, to be fixed by the common council, and shall not take or receive any other fee or reward for any services whatever. Part of § 3, title 4, ch. 139, 1864.

Overseer
to give
security.

§ 278. Every person now, or hereafter, elected or appointed overseer of the poor in said city, shall give security for the faithful performance of the duties of his office, and to account for all moneys which may pass through his hands, in such manner and to such amount as the common council may direct, within ten days after he shall have been notified of the order of the common council respecting the same, or his office shall be deemed vacant and may be filled by appointment by said council.

To present
estimate
of poor
fund.

The overseer of the poor of said city shall, at or before the first meeting of the common council in the month of July in every year, present to said council an estimate of the amount which in his judgment will be required during the year as a poor fund. The said council shall present a statement of said sum, or whatever other amount they shall judge proper, to the board of supervisors of Chemung county, who shall cause the same to be levied, collected and paid over as county and town allowances for poor funds now are by law in case of towns. § 4, same title.

Action of
council
and
super-
visors
thereon.

Term of
office.

§ 279. All officers elected or appointed under this act ["An act to incorporate the city of Elmira"], except aldermen, recorders, justices of the peace and special constables, shall hold their offices for one year, and until their successors shall qualify. Part of § 14, title 2, ch. 139, 1864.

Vagrants
in Elmira.

When any person shall be convicted before said recorder [of Elmira] of being a vagrant, such person shall be sentenced and committed to the poor-house of Chemung county for a term not exceeding six months, there to be kept at hard labor; or if such person, in the opinion of the recorder, be an improper person to be committed to said poor-house, then such person shall be sentenced to be imprisoned in the common jail of Chemung county for a term not exceeding six months, and shall be committed accordingly. Whenever any person shall be convicted by a court of special sessions, held by said recorder, of being intoxicated in a public place, such person shall be punished by a fine not exceeding twenty-five dollars, or by imprisonment in the common jail of Chemung county not exceeding twenty-five days, or by both such fine and imprisonment. All that part of said section

Public
intoxica-
tion.

section 1, title 7, ch. 139, 1864), conferring jurisdiction upon said recorder in civil actions is hereby repealed. Part of § 1, title 7, ch. 139, 1864, as amended by § 32, ch. 755, 1870.

CHAP. X.

CLINTON COUNTY.

SECTION 290. Board of supervisors may remove poor-house.

291. May sell poor-house farm situate in town of Beekmantown.

292. Supervisor of town of Plattsburgh may sell poor-house lot and apply proceeds to support of poor or town schools.

§ 290. The board of supervisors of the county of Clinton, at any annual or special meeting of said board, by the affirmative vote of two-thirds of all the members elected, may remove the county poor-house to any part of the said county, and for that purpose may designate and purchase a new site for the poor-house buildings, and cause the necessary buildings to be erected upon the site so designated. § 1, ch. 24, 1859.

Clinton county poor house may be removed.

§ 291. In case of such removal, the said board of supervisors, by the affirmative vote of two-thirds of all the members elected, are authorized to sell and dispose of all and singular the poor-house farm and its appurtenances, situate in the town of Beekmantown, upon such terms as they shall deem advisable. § 2, same ch.

Poor-house farm may be sold.

§ 292. The supervisor of the town of Plattsburgh, in the county of Clinton, be and he hereby is authorized to sell at public auction to the highest bidder the lot and the buildings thereon, situated in said town, and known as the poor-house lot, and to convey the same to the purchaser by a sufficient deed, and that the proceeds of such sale be applied to the support of the poor of said town, or for the support of the schools of said town, as the board of town auditors shall direct. § 1, ch. 590, 1853.

Plattsburgh poor house lot to be sold.

Proceeds, how applied.

CHAP. XI.**COLUMBIA COUNTY.**

SECTION 283. Overseers of poor in city of Hudson chosen by the electors.

284. Possess same powers as overseers in the town of said county.

285. County superintendent of poor elected at general election.

286. Treasurer of the county to pay managers of Hudson orphan relief asylum certain sums of money.

287. Money to be raised by tax.

288. Children from the county poor-house may be transferred to the Hudson orphan and relief association, and, under certain circumstances, may be returned to poor-house.

289. Superintendents of poor to report to supervisors the number of children under their care and surrendered to said association.

290. Expense of support to be a county charge.

291. Association has power to bind out children.

Overseers
in Hudson.

Their
powers.

Columbia
county
superin-
tendent.

Appropri-
ations for
Hudson
orphan
asylum.

How
raised.

Children
that may
be trans-
ferred to
Hudson
orphan

§ 283. Two overseers of the city of Hudson shall be chosen by ballot by the electors of said city. Part of § 4, title 2, ch. 179, 1854.

§ 284. The overseers of the poor of said city shall possess the powers and perform the duties, and be subject to the same liabilities as are prescribed by law for overseers of the poor in the towns of Columbia county. § 23, title 2, same ch.

§ 285. There shall be elected in and for the county of Columbia, at the next general election, and annually thereafter, one county superintendent of the poor, who shall hold his office for three years. § 1, ch. 195, 1862.

§ 286. The treasurer of the county of Columbia is hereby authorized, under the order and direction of the supervisors of said county, to pay to the managers of the Hudson orphan relief asylum a sum not exceeding one thousand dollars out of the contingent fund of said county; and the supervisors of said county are hereby authorized to make an appropriation of a sum not exceeding one thousand dollars annually hereafter to said institution, so long as in their judgment the same shall be necessary and proper. § 1, ch. 123, 1851; as amended by chs. 101 and 634, 1853.

§ 287. All sums of money thus contributed may be raised by tax upon the property of said county in like manner as other county expenses of said county. § 2, ch. 123, 1851.

§ 288. Every male child under the age of ten years, and every female child under the age of twelve years, not deficient in intellect, now in the county poor-house of the county of Columbia, as a county charge, and every

child who shall hereafter become such charge, shall immediately transferred and surrendered by the county superintendents of the poor of said county to the managers of the Hudson orphan and relief association, on the order and therefor of said managers, in writing, to be by said association cared for, supported and maintained in the orphan-house of said association in the city of Hudson, in accordance with the provisions of the act of incorporation of said association, and it shall be the duty of said association to assume the care and maintenance of such children surrendered to them, and to support and educate them in all things as other children in the care of the association, at their said orphan-house, are supported and educated; provided, however, that if, by reason of sickness or disease of any child or children transferred to the care of the said association under this act, said managers shall deem it improper or inexpedient to keep such child or children in their care, it shall be lawful for them to return such child or children to the county poor-house of said county, at the expense of the association. § 1, ch. 142, 1867.

and relief
association.

When
children
may be
returned
to poor-
house.

39. The superintendents of the poor of the said county of Columbia, in their annual report to the supervisors of said county, shall report the number of all children received into said county poor-house, and also the sex and age and nativity of all children surrendered to the managers of said association, under the provisions of this act, during the year immediately preceding the date of their said report, together with the date of the surrender and the time of the detention of children by said association. § 2, same ch.

Report of
superin-
tendents
of poor.

40. The expenses of the maintenance and support of such children as shall be transferred by said county superintendents to said association, under this act, and the expenses of their transportation to the orphan-house of said association, shall be a lawful charge upon said county of Columbia, provided that such charge for maintenance and support shall not exceed the average for each pauper at the county poor-house. And the supervisors of said county, on auditing and allowing the bills of the said association, shall charge and levy the same on said county, and, on the allowance of said bills by said supervisors, the same shall be paid to the association by the county treasurer of said county out of the funds of said county. § 3, same ch.

Expense
of main-
tenance
and sup-
port to be
a charge
on county,
&c.

41. The said association shall have power to bind out all such children as shall be surrendered to them under the provisions of this act, in accordance with the provisions of the act of incorporation of the said association and of the existing laws of this state. § 4, same ch.

Binding
out of
children.

CHAP. XII.**DELAWARE COUNTY.**

SECTION 292. Object and incorporation of "The Margarettsville Retreat."

293. Trustees of Margarettsville retreat (for the insane) shall appoint superintendent; duty of superintendent.

294. Insane persons and drunkards committed by order of county judge on application of relatives.

295. Retreat may be visited by state officers.

Corporate name of Margarettsville retreat.	§ 292. John Ferris, George G. Decker, Daniel Rowland, Hilan Doty, and such others of the shareholders in the Margarettsville retreat for the insane as may associate with them, are hereby constituted a body corporate by the name of "The Margarettsville retreat," with power
Objects.	to establish and maintain an asylum and retreat for keeping, nursing and treatment of sick, insane and other persons, in the town of Middletown, in the county of Delaware, state of New York. § 1, ch. 378,* 1869.
Business location.	§ 293. The trustees of said corporation, "The Margarettsville Retreat," shall appoint a superintendent, and, when necessary, one or more assistants, who shall be competent and well-educated physicians, and experienced in the care and treatment of the insane. It shall be the duty of the superintendent and his assistants to conduct the retreat under such rules and regulations as may be adopted from time to time, in accordance with the provisions of this act, by the board of trustees. § 7, same ch.
Lunatic asylum in Delaware county, officers of, &c.	§ 294. Any person may be admitted and subjected to the usual and proper restraints of an asylum, on the certificate of two respectable physicians, and on the application of the nearest relatives of such person. No person shall be confined or placed in said Margarettsville retreat as an insane person except upon an order of a county judge on satisfactory proof, and all proceedings had in relation to the commitment of such person shall be filed in the county clerk's office in the county of Delaware before such person shall be confined. And habitual drunkards may be received and subjected to the usual and proper restraints of an asylum on their signing a written application for admission in the presence of one or more of their nearest relatives. § 8, same ch.
Their duties.	§ 295. The said retreat shall be subject to be visited by the members of board of state charities, who may examine into the condition of said asylum, and the mode and manner of the treatment of its inmates. § 9, same ch.
Admissions to retreat.	
Commitments on order of county judge.	
Habitual drunkards may be received on application.	
Visitation of retreat.	

* An act to incorporate the Margarettsville retreat for the insane. Passed April 23, 1869.

CHAP. XIII.**DUTCHESS COUNTY.**

- SECTION 296.** Expense of temporary relief in the towns of Dutchess county to be borne by said towns.
- 297.** Each town to pay expenses of removing its paupers to the county poor-house.
- 298.** Expenses to be audited by board of town auditors.
- 299.** Repeal of inconsistent laws.
- 300.** Repeal of chapter 8, 1860.
- 301.** Commissioners may sell poor-house land and purchase other.
- 302.** May erect buildings.
- 303.** Commissioners may borrow money, and how paid.
- 304.** Vacancies, how filled.
- 305.** Acts of commissioners legalized.
- 306.** Commissioners of excise in the county of Dutchess, who to be.
- 307.** When and where they are to meet.
- 308.** Books of minutes of their proceedings to be kept, and such book to be filed.
- 309.** Power of courts to grant licenses; fees for such licenses.
- 310.** Licenses to be signed, and not delivered by commissioners until license fees are paid.
- 311.** Penalties, how to be sued for and how to be applied when collected.
- 312.** Bonds taken, when and where to be filed; petitions for licenses, when granted, to be filed with town clerk; his fee for such filing.
- 313.** When condition of bond broken, duty of supervisor to prosecute.
- 314.** Duty of court in case judgment or conviction is had against the person to whom license was granted.
- 315.** Commissioners to keep book of their proceedings; whole amount of excise moneys to be paid over to county treasurer for the support of the poor; pay to commissioners; disbursements of commissioners to be audited and allowed as other town charges are.
- 316.** Bond, with sureties, to be executed by supervisors; condition of such bond in respect of excise moneys; supervisor in such town only to receive excise moneys.
- 317.** Commissioners in Poughkeepsie, who only to constitute board of; bond in respect to excise, with sureties, to be executed by the mayor.
- 318.** Mayor of Poughkeepsie to pay over to commissioners of almshouse of said city all moneys received by him for licenses or penalties collected under act, and to deliver a verified statement respecting moneys collected for licenses and penalties, etc.
- 319.** Dutchess county excepted from certain portions of chapter 628, 1857, respecting excise.
- 320.** Chapter 413, 1867, not to be construed to remit any penalty incurred under existing laws.

RELIEF OF THE POOR.

- SECTION 321. Duty of board of excise of Dutchess county immediately on passage of said chapter, and penalty in case of neglect or omission of such duty.
322. Overseer of poor in Fishkill abolished; commissioners and their powers, how elected, &c.
323. Commissioners to make annual report, and such report to be filed.
324. Commissioners to make estimate of money wanted; supervisors to levy and collect and pay over such money.
325. Commissioners to inquire into the circumstances of the poor, and direct either temporary or permanent relief.
326. Commissioner not to be interested in the purchase of supplies; violation a misdemeanor.
327. Compensation of commissioners.
328. Act to be printed and posted.
329. City of Poughkeepsie to support its own poor, and shall not be subject to taxation for support of the poor of county towns.
330. Office of overseer abolished in Poughkeepsie; appointment of commissioners of the almshouse of the city of Poughkeepsie; term of office; manner of election.
331. Commissioners may sue and be sued; shall have exclusive care and management of the poor; may provide cells for the temporary imprisonment of vagrants; the recorder of Poughkeepsie required to commit vagrants to the care of the keeper of almshouse, &c.
332. The commissioner of excise shall pay to the almshouse commissioners money received for licenses.
333. Commissioners of excise shall deliver to the commissioners of almshouse statement of moneys received by them, under oath.
334. Commissioners of excise may deduct expense of collecting.
335. The recorder to pay over certain fines collected by him.
336. Money in the hands of county treasurer, recorder and supervisors of the city to be paid over.
337. Fines to be paid over to commissioners of almshouse.
338. Superintendent of poor to keep an office in the city of Poughkeepsie; his duties.
339. Commissioners to make report, file the same and publish.
340. Commissioners to estimate annually for support of poor, and common council to cause the moneys to be levied and collected.
341. City of Poughkeepsie to receive its proportion of the value of the county poor-house; appraisers to ascertain the value of the same; paupers to be set apart to city.
342. Moneys, how applied; commissioners may borrow money; city of Poughkeepsie liable therefor.
343. Commissioners of emigration to pay for foreign paupers.
344. No compensation to commissioners.
345. Oath may be taken before commissioner or superintendent.

RELIEF OF THE POOR.

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~~§ 246.~~ § 246. Commissioners or superintendent not to be interested in supplies.

§ 247. Residents and others not disqualified in suits; inhabitants of Poughkeepsie not to vote for county superintendent.

§ 248. Application of statutes.

§ 249. Money to be paid to State inebriate asylum.

§ 250. Poughkeepsie orphan-house and home for the friendless created.

§ 251. Powers of board of managers.

§ 252. May bind out indigent children surrendered to their care.

§ 253. Children to draw proportion of school fund.

§ 254. Who may surrender children in case of death or incapacity of parents.

§ 296. All charges and expenses incurred for temporary relief in the several towns in the county of Dutchess, including the fees of all officers in dispensing such relief, shall be borne and paid by each of said towns respectively. § 1, ch. 168, 1850. Expense of temporary relief in Dutchess county.

§ 297. Each town in the county of Dutchess shall bear and pay all expenses incurred in the removal of paupers from such town to the county poor-house. § 2, ch. 168, 1850. Expense of removal of paupers.

§ 298. All charges and expenses incurred under the two preceding sections shall be audited by the board of town auditors in said towns. § 3, same ch. Charges, how audited.

§ 299. All acts and laws inconsistent with any thing herein contained are hereby repealed. § 4, same ch. Repeal.

§ 300. The act (chapter eight) passed January twenty-eight, eighteen hundred and sixty, entitled "An act in relation to the poor-house and paupers in Dutchess county," is hereby repealed. Ch. 10, 1861. Repeal ch. 8, 1860.

§ 301. David S. Tallman, John Ferris and Albert Enns, of the county of Dutchess, are hereby appointed commissioners, with full power, at such time as to them shall seem best, to sell at public auction at the court-house, in the city of Poughkeepsie, on at least three weeks' previous notice of the time and place of such sale, to be published in the Poughkeepsie Eagle and Poughkeepsie Telegraph, two newspapers published in the city of Poughkeepsie, in parcels or otherwise, the poor-house land, upon which the paupers of the county of Dutchess are kept, situated wholly or in part in the city of Poughkeepsie, and to make and execute a good and sufficient conveyance or conveyances therefor, to the purchaser or purchasers, in the name of the said county, and with so much of the proceeds of such sale as may be necessary, the said commissioners are hereby authorized, upon such terms of payment as to them shall seem best, to purchase other farming lands consisting of not less than fifty acres Commissioners may sell poor-house lands.

nor more than seventy-five acres, situated in said county and not less than eight nor more than fifteen miles distant from the Hudson river, upon which to keep the county poor of said county, and to take a conveyance therefor in the name of the county of Dutchess; when the suitable buildings are completed, as hereinafter provided, to remove thereon the paupers and personal property of said county, which may be on the present poor-house farm. § 1, ch. 79, 1863.

Buildings
may be
erected.

§ 302. The said commissioners are authorized to erect, upon the lands so purchased, suitable buildings for the accommodation of the poor of said county, and, in payment of the expense of construction of such buildings, they are authorized and required to use the unexpended balance of the proceeds of the sale of said poor-house lands, and such additional sum or sums of money as may be necessary, but so that the entire cost of the lands so purchased and the buildings so erected shall not, in the aggregate, exceed the sum of twenty thousand dollars. § 2, ch. 79, 1863.

Commis-
sioners
may bor-
row money

§ 303. The said commissioners are authorized to borrow, in the name and upon the credit of the county of Dutchess, such additional sum or sums of money as may be necessary as aforesaid, to be paid in five equal annual installments, with interest annually on the whole principal unpaid; and a tax upon the taxable property of the county of Dutchess shall be levied by the board of supervisors of said county, at each annual meeting of such board next preceding the maturity of each of such installments, to provide for the payment thereof, together with the yearly accumulating interest on the whole sum unpaid. § 3, same ch.

Vacancies
may be
filled.

§ 304. In case any of said commissioners shall die, resign or remove from the county, his office shall thereby be vacated, but the acts of the others shall be valid until the chairman of the board of supervisors of said county shall, by appointment in writing, duly executed and acknowledged, so as to entitle it to be recorded, appoint some person to fill such vacancy, and such appointment shall be recorded in the office of the clerk of the county of Dutchess, in the book kept for miscellaneous records, and such record or a copy thereof, duly certified according to law, shall, in all places, be evidence of such appointment and the vacancy thereby filled. § 4, same ch.

Commis-
sioners'
acts
legalized.

§ 305. The several acts of David S. Tallman, John Ferris and Albert Emans, commissioners appointed under section one, chapter seventy-nine of the laws of eighteen hundred and sixty-three, in relation to the purchase of twenty-nine acres, three roods and twenty-nine perches of land from Daniel H. Lyons, in the town of Washing-

ton, in said county, to be added to the county poor-house farm, heretofore purchased by said commissioners, be and the same are hereby legalized and confirmed. § 1, ch. 301, 1864.

§ 306. In and for the county of Dutchess the supervisor of every town, and the justices of the peace resident therein, shall be commissioners of excise for their town; three of them, consisting of the supervisor and any two justices, shall be competent to execute the powers herein vested in the board; if the office of supervisor be vacant, then any three of the justices shall form a board; if there be not two justices in the town, then any two justices of a neighboring town may be associated by the supervisor with him, and the three shall form a board. § 1, ch. 413,* 1867.

Who to be commissioners of excise in towns in Dutchess county.

§ 307. The commissioners of excise shall meet in their respective towns on the first Monday of May in each year, and on such other days as the supervisor shall appoint, at such place as shall be designated by him; or, in case his office shall be vacant, on such other days and at such places as the justices of the peace of the town may appoint. § 2, ch. 413. 1867.

When they shall meet.

§ 308. They shall keep a book of minutes of all their proceedings, in which shall be entered every resolution passed by them, granting a license to any person, with the sum required to be paid by such person; which minutes shall be verified by their signatures, and shall be filed with the town clerk within five days. § 3, same ch.

Book of Minutes.

§ 309. They shall have power to grant licenses to keepers of inns and taverns, being residents of their towns, to sell strong and spirituous liquors and wines to be drank in their houses respectively; and to grocers, being such residents, a license to sell such liquors and wines in quantities less than five gallons, but not to be drank in their shops, houses, out-houses, yards or gardens; and to determine the sum to be paid for a license by each person applying, which sum shall not be less than thirty dollars, nor more than two hundred dollars. § 4, same ch.

Powers to license.

Fee for license.

§ 310. The said licenses shall be signed by the commissioners granting the same; they shall not be issued until the duty fixed by the board shall have been paid; when issued, they shall be in force, unless revoked, until the second Monday of May, in the succeeding year. § 5, same ch.

Signing and issuing of licenses.

* An act to suppress intemperance and to regulate the sale of intoxicating liquors in the county of Dutchess. Passed April 17, 1867. Sections 306-321, §§ 306 of this code, so far as they relate to the sale of intoxicating liquors, have been superseded or modified by ch. 173, 1870.

Prosecu-
tion for
penalties
by super-
visors in
towns.

By mayor
of Pough-
keepsie.

Moneys
received
from
penalties,
how
applied.

Filing of
bonds.

Supervisor
to prose-
cute for
breach of
condition
of bond.

Duty of
court.

§ 311. The penalties imposed by this act, except the penalties provided for by sections eight, fifteen and nineteen of the act entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, shall be sued for and recovered by the supervisors of the respective towns when such penalties shall be incurred in any of the towns of said county, and shall be sued for and recovered by the mayor of the city of Poughkeepsie, when such penalties are incurred in the city of Poughkeepsie, and when such penalties shall be recovered, the amount received by said supervisors shall be paid over by them to the treasurer of the county of Dutchess for the support of the poor of said county, and the amount received by the mayor of the city shall be paid over to the commissioners of the almshouse of said city, as provided in section thirteen (section 318) of this act. § 6, ch. 413, 1867, as amended by § 1, ch. 357, 1868.

§ 312. Every bond taken pursuant to the provisions of this act shall, within ten days after the execution of the same, be filed in the office of the clerk of the town in which the license shall be granted, and, in the city of Poughkeepsie, in the office of the clerk of the county of Dutchess; all petitions upon which licenses are granted shall, within ten days after the granting thereof, be filed in the town clerk's office of the respective towns, for each of which a fee of four cents shall be allowed to the town clerk. § 7, ch. 413, 1867.

§ 313. Whenever a breach of the condition of such bond given upon the granting of any license under the provisions of this act shall happen, it shall be the duty of the supervisor of the town in which the person who shall incur the penalty shall reside, to prosecute the same and recover the penalty therefor. § 8, same ch.

§ 314. The said court shall cause the person or persons against whom such conviction or judgment was obtained to be notified to appear on such day as the court shall appoint, to show cause why any such license that may have been granted to him or them should not be revoked. At the day appointed, and on such other days as the court shall appoint, it shall proceed to inquire into the circumstances, and shall revoke the license granted to the person or persons violating the provisions of this act. The said court of sessions of the county shall have the power to revoke any license, upon such conviction or judgment in said court of sessions, at the term when such conviction is had or judgment rendered. § 9, same ch.

§ 315. The said commissioners of excise for the several towns shall keep a book of proceedings in which shall be entered the names of all applicants for license, and they shall also enter in said book a list of all licenses granted by them, with the names of the parties to whom the same are granted, and the names of the securities to the bond required in each case. The said book of minutes shall be deposited in the offices of the town clerks of the respective towns. No fee or reward shall be taken by any board of excise, or by any member thereof, for any license to keep an inn, tavern or hotel, or to sell strong or spirituous liquors, or for any service required of such board; nor shall any compensation be retained by any such board, or any member thereof, out of the excise money, but the whole amount thereof, as well moneys received for licenses granted as for penalties collected under this act, shall be paid over by the supervisor of the respective towns to the county treasurer of the county for the support of the poor of said county. But the persons composing such board of excise shall be entitled each to receive the sum of one dollar and fifty cents for each day's attendance thereon when actually done, to be audited, allowed and paid in like manner as other town charges, and no other or greater compensation shall be allowed, and the said commissioners shall not receive said allowance for more than two days each in any one year in any of the towns of said county of Dutchess, except the city of Poughkeepsie. The expenses of procuring blanks for such licenses as may be granted, and books in which to keep their minutes of proceedings when actually incurred, shall be audited, allowed and paid in like manner as other town charges. § 10, ch. 413, 1867.

Book of proceedings, its contents, where to be deposited.

Commissioners not to take fees, &c.

All fees for licenses, &c. to go to poor of county.

Pay of commissioners.

§ 316. Every person elected to the office of supervisor in the several towns of said county, before qualifying and entering upon the duties of said office, shall execute a bond to the people of this state, with at least two sufficient sureties, each of whom shall justify in the sum of one thousand dollars, to be approved by the town clerk of his town, with a condition that such supervisor shall pay over to the county treasurer of the county all moneys which he shall receive by virtue of this act within thirty days from the receipt thereof and before the expiration of his term of office; and no member of the boards of excise in the several towns, other than the supervisors aforesaid, shall be entitled to receive any moneys for licenses granted or penalties recovered by virtue of this act. § 11, same ch.

Bond to be given by supervisor.

§ 317. In and for the city of Poughkeepsie, the mayor and the two justices of the peace in said city shall constitute the board of commissioners of excise in and for

Who to be commissioners in Poughkeepsie.

said city, with the same powers hereinbefore granted to the supervisors and justices of the peace of the several towns of said county, to receive compensation at the same rate for their services, to be audited, allowed and paid in the same manner as other charges against the said city, but not to receive compensation for more than ten days' service each in any one year. The mayor of said city shall execute a bond to the people of the state of New York in the penal sum of three thousand dollars, with at least two sureties, who shall justify in said sum, to be approved by the county treasurer of the said county of Dutchess, with the same condition as the bond hereinbefore required to be given by the supervisors of the several towns, and the same to be filed in the office of the clerk of the county of Dutchess. § 12, same ch.

Bond to be given by mayor.

All fees for license in Poughkeepsie to be paid to almshouse commissioners.

When and to whom mayor to make report of moneys received, &c.

County of Dutchess exempted from certain sections of law of 1867.

§ 318. The mayor of the city of Poughkeepsie shall pay over to the commissioners of the almshouse of said city all moneys which shall be received by him for licenses granted or penalties collected under this act, within thirty days after receipt thereof, and shall, on the thirty-first day of December in each year, and also within ten days after the expiration of his term of office, make and deliver to the said commissioners of the almshouse of the city of Poughkeepsie a verified statement, setting forth, first, the whole amount collected in said city during said year for licenses; second, the whole amount received for penalties incurred under this act in said city during such year; third, the whole amount received from other sources under this act during such year. The expenses incurred by the said mayor in collecting such penalties and prosecuting any bonds required to be given under this act to be audited, allowed and paid in the same manner as other charges against said city. § 13, ch. 413, 1867.

§ 319. The county of Dutchess is hereby excepted from the operations and provisions of sections one, two, three, four, five, twenty-two, twenty-three, twenty-four and twenty-six of an act entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," passed April sixteen, eighteen hundred and fifty-seven, which said sections shall not be held to apply to the county of Dutchess; but the residue of said act, except where inconsistent or in conflict with the provisions of this act, shall continue to apply to said county, and shall be regarded and construed as constituting part of this act. § 14, same ch.

§ 320. Nothing in this act shall be construed to remit any penalty or forfeiture incurred under existing laws prior to the passage of this act, and all licenses hereinbefore granted, and now in force, shall remain valid and

in full force for the period for which they were granted.
 § 15, same ch.

§ 321. The board of commissioners of excise in and for the county of Dutchess shall, immediately upon the passage of this act, pass over and transfer all suits and prosecutions then pending to the supervisors of the respective towns in which such penalties or forfeitures were incurred, and to the mayor of the city of Poughkeepsie all suits and proceedings then pending for penalties and forfeitures incurred in said city; and, in case of their neglect or omission so to do within thirty days from the passage of this act, they shall each forfeit the sum of two hundred and fifty dollars, to be sued for and recovered in the name of the people of the state of New York, and from the date of the passage of this act shall cease to act or perform any duties as a board of commissioners of excise. Provided, that nothing contained in this act shall affect any action, proceeding or indictment now pending in any court or before any officer, or affect any judgment or recovery had or rendered in any action, proceeding or indictment, but shall be proceeded with to final execution and satisfaction, with the same effect as if this act had not been passed. § 16, ch. 413, 1867.

Duty of
present
board.

§ 322. The office of overseer of the poor, in the town of Fishkill, county of Dutchess, is hereby abolished. There shall be five commissioners for the support of the poor in said town, who shall have and possess all the powers and authority now vested by law in the overseers of poor in towns, or which may hereafter be vested in them, and they shall perform all the duties required by the same, and shall be elected in the following manner, viz.: At the annual town meeting in said town in the spring of eighteen hundred and fifty-eight, and at every subsequent annual town meeting in said town, each elector of said town may, on a separate ballot indorsed "commissioners of the poor," vote for five persons, who shall be electors and residents of said town, to be deposited in a separate box, to be provided by the canvassers of such election, and the said canvassers shall select from the persons so voted for, one person in each election district, who shall have received a larger number of votes for such commissioner than any other resident of the same election district; and the five persons so selected shall be declared by said canvassers commissioners of the poor of the town of Fishkill, for the ensuing year. And until such election, as provided above, Isaac Knickerhoff, Henry Churchill, Levi L. Van Kleeck, Theodore V. W. Anthony and William Seward, shall be such commissioners. § 1, ch. 89, 1857.

Office of
overseer
abolished
in Fishkill.
Commissioners.

Powers
and duties.
How
elected.

Present
commissioners.

- Account of moneys.** § 323. The said commissioners shall, on the last Thursday preceding the annual meeting of the board of supervisors of the county of Dutchess, submit to the board of auditors of the town of Fishkill a report containing an exact and accurate account of all moneys received by them, and the sources from which such moneys were received during the preceding year; an exact and accurate account of all their expenditures, and of all debts incurred by them which are unpaid for the same period of time, and the objects for which such debts were incurred, and to what such expenditures were applied, together with the names of the persons to whom they were paid for the same period of time, the number and names of those provided with permanent relief; the number and names of those provided with temporary relief; which said report shall be signed by the said commissioners for the support of the poor, filed in the office of the town clerk of such town, and published in the papers printed, or in circulars, or both. § 2, ch. 89, 1857.
- Expenditures, debts, &c.**
- Report to be filed.**
- To make estimate.** § 324. The said commissioners shall also, on the last Thursday preceding the annual meeting of the board of supervisors of the county of Dutchess, furnish the supervisor of the town of Fishkill with a written estimate, to be signed by them, of the amount of moneys that, in their judgment, will be required for the support of the poor of said town; said estimate shall, by the said supervisor, be laid before the board of supervisors of the county of Dutchess, at their next annual meeting, who shall cause the moneys in such estimate mentioned to be levied and collected in the said town, at the same time and in the same manner as the other taxes are levied and collected; and they shall also, by their warrant, direct and require the collector to pay the same over to the supervisor of the said town, who shall distribute the same between the several said commissioners, according to the need of each district, to be applied by them to the relief and support of the poor, in the manner herein directed. § 3, same ch.
- Duty of supervisors.**
- Duty of commissioners.** § 325. They shall also have and possess the following power: To visit the poor of said town (each in his own election district), inquire and examine into their circumstances, the places of their former residences, their employments and the causes of their poverty; and the commissioners, or any of them, may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may, from time to time, adopt, in conformity to existing statutes on the subject; and a majority of said commissioners may fill all vacancies that may occur in their number. § 4, same ch.

§ 326. It shall not be lawful for the said commissioners, for the support of the poor, to be concerned or interested directly or indirectly in the sale of any goods, merchandise, or other personal property found, furnished or provided for the use of the poor of the town of Fishkill; nor shall such commissioners, or either of them, take or receive any profit, emolument or reward for, or on account of, any goods, merchandise or personal property found, furnished or provided by any person or persons other than such commissioners, for the use of the poor of said town. Every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment. § 5, same ch.

Sale of merchandise.

May not receive any profits.

Misdemeanor.

§ 327. The said commissioners shall each receive for their services the sum of twenty-five dollars per annum, for any and all services they may render under the provisions of this act, and shall receive no other fees, compensation or emolument whatever. § 6, ch. 89, 1857.

Compensation.

§ 328. The supervisor of said town shall cause this act to be publicly posted, in printed handbills, in at least ten different places in said town. § 7, same ch.

Act to be printed.

§ 329. The city of Poughkeepsie shall not hereafter be subjected to taxation for the support and maintenance of the poor of or in the towns of the county of Dutchess, nor shall the towns of the county of Dutchess be taxed or required to contribute for the support of the poor of or in the city of Poughkeepsie; but such city of Poughkeepsie, for all the purposes of supporting the poor within its limits, and carrying into effect the laws of the State for the support and relief of indigent persons, shall be a separate and distinct district. § 1, ch. 236, 1863.

City of Poughkeepsie to support its own poor.

§ 330. The office of overseer of the poor in the city of Poughkeepsie is hereby abolished. There shall be a corporation in the said city, by the name of "the commissioners of the almshouse of the city of Poughkeepsie," which shall possess the usual powers of a corporation for public purposes; and James Emott, James H. Dudley, James Bowne, Joseph T. Barnard, Matthew Vassar, Jr., and Jacob B. Jewett are hereby appointed such commissioners for the purpose of carrying into effect the provisions of this act. They shall be divided into three classes, and hold their offices for the periods following, that is to say: James Bowne and Joseph T. Barnard shall constitute the first class, and hold their offices until the second Tuesday of March, eighteen hundred and sixty-four; James Emott and James H. Dudley shall constitute the second class, and hold their offices until the second Tuesday of March, eighteen hundred and sixty-five; and Matthew Vassar, Jr., and Jacob B. Jewett

Appointment of commissioners.

Term of office.

shall constitute the third class, and hold their offices until the second Tuesday of March, eighteen hundred and sixty-six; and, upon the expiration of their several terms of office, their places shall be filled by persons duly elected at the annual city election for city officers, held in the city of Poughkeepsie for the year in which such terms of office shall expire; which elections shall be conducted in the following manner, that is to say: each elector may place upon a separate ballot the name of one suitable person, who shall be a citizen of the United States, of full age, and a resident of said city of Poughkeepsie, under the words "for commissioner of the almshouse," and deposit the same in a separate box, to be provided for that purpose by the officers who shall preside at such city elections, and a separate poll-list shall be kept of the persons voting for such commissioners; and the two persons having the greatest number of votes at such elections shall be declared and deemed to be duly elected; and at every annual city election thereafter there shall be elected, in the same manner, two persons as such commissioners. The persons elected shall hold their office for the term of three years, and until others are duly elected in their places. § 2, ch. 286, 1863.

May sue
and be
sued.

Authority.

§ 331. The said commissioners of the almshouse may sue and be sued in their corporate name in any of the courts of this state; they shall have the sole and exclusive care and management of the poor in the said city, and shall provide for and maintain the persons enumerated in the fourteenth section of the act (section 20) concerning "the relief and support of indigent persons," in the manner herein-after mentioned; and for that purpose they shall have and exercise all the powers and authority now vested by law in the overseers of the poor of towns, and in the superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also have and possess the powers following:

Id.

First. To appoint by resolution, to be entered upon their minutes, an officer, to be denominated "the superintendent of the poor of the city of Poughkeepsie," together with such other agents as may be necessary, in order to carry into effect the purposes of this act; which said superintendent and other agents shall hold their offices during the pleasure of the said commissioners, and receive such fixed annual salary, as a compensation for their services, as the said commissioners may direct.

Id.

Second. To visit the poor of said city at their several places of residence, and inquire and examine into their circumstances, the number and ages of the members of their families, the places of their former residences,

their employments, for what length of time and to what extent they have been dependent on the public for support, their ability to labor, and the causes of their poverty; and the commissioners may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may, from time to time, adopt.

Third. To contract for, purchase and provide provisions, fuel, clothing and other necessities for the support of or distribution amongst the poor, and such cattle, stock, furniture and farming utensils for the almshouse and lands, hereinafter mentioned, as in their judgment they may deem necessary.

Fourth. To purchase in fee simple and take a deed of conveyance to the said commissioners in their corporate name of a farm of land not exceeding one hundred acres, and to erect thereon, if necessary, a building sufficient for the residence and accommodation of the poor of said city, to be denominated "The Almshouse." But the amount of money to be expended by the said commissioners in the purchase of the said farm, and the erection of the said buildings, shall not exceed the sum of thirty-five thousand dollars. And until such farm and buildings can be purchased and provided, as aforesaid, the said commissioners may hire a house and lot of ground for a term of time, as a residence for the poor of the said city, at an annual rent not exceeding five hundred dollars. As amended by ch. 143, 1868.

Fifth. The said commissioners may also cause to be constructed, within or within the vicinity of, said almshouse, a cell or cells or other place or places of confinement, for the temporary imprisonment or detention of vagrants. And the recorder of the city of Poughkeepsie is hereby required by his warrant, to be directed to and executed by one of the police officers of said city, to commit to the custody of the keeper of the said almshouse, to be confined in such cells or places of confinement, all persons adjudged vagrants, according to the provisions of the act concerning beggars and vagrants, and sentenced by him to imprisonment therefor; and the keeper of said almshouse is hereby authorized to require all persons, so committed to his charge, to do and perform such work and labor as the superintendent of the poor of said city shall direct; and the board and maintenance of every such vagrant who by the provisions of the act concerning beggars and vagrants, would have been sentenced to the county jail, at a sum not exceeding two dollars per week for a term not exceeding sixty days upon any one conviction, shall be a county charge, and shall be audited and paid in the same manner as other county charges.

Authority
in respect
to va-
grants.

County
charge.

§ 3, sub. 5, ch. 286, 1863; as amended by § 1, ch. 49, 1864.

Authority. *Sixth.* The said commissioners shall also have power to receive from the commissioners of emigration all moneys they may become entitled to receive for and on account of foreign paupers relieved by them.

Ib. *Seventh.* Such commissioners may also appoint one of their body president; and they may also fill all vacancies which may occur amongst their number by death, resignation, or otherwise, by appointing some suitable person or persons to fill such vacancy or vacancies, who shall hold their offices for the unexpired terms of the persons whose places have thus become vacant. They shall keep a written record of their proceedings, and may establish rules and regulations for their own government, the government of their superintendent, agent and servants, in the examination of paupers and others applying for or entitled to relief, or for admission to the almshouse, and in the distribution of food, fuel, clothing and other necessities among the poor of the city.

Ib. *Eighth.* They shall have power, from time to time, to borrow all such sums of money as they may deem necessary to carry out the powers vested in them by this act, and to give obligations in their corporate name, to be signed by their president and secretary, for the payment of such sums of money and of any debts incurred by them as such commissioners, and the city of Poughkeepsie shall be liable for the payment of such obligations.

Ib. over lunatics. *Ninth.* They shall have the powers superintendents of the poor now have in relation to lunatics within said city, and to provide for their safe-keeping in a proper place in such city, or to send them to a lunatic asylum.

Ib. over bastards. *Tenth.* They shall have the same powers as overseers of the poor and county superintendents of the poor now have in relation to bastards within said city; and all proceedings to be had in such cases shall be in their corporate name, and all bonds required, according to the provisions of the statutes relating to bastards, shall be given to them in their corporate name; but nothing in this act contained shall be construed to release or discharge the superintendents of the poor of Dutchess county from their liability to any person or persons residing in the city of Poughkeepsie, supporting any bastard child already chargeable to said county of Dutchess, in cases in which they have heretofore compromised with the putative father for such support. § 3, ch. 286, 1863.

Duty of commissioners of excise. § 332. The commissioners of excise of the county of Dutchess shall, on the first day of June in each year, pay to the commissioners of the almshouse of the city

of Poughkeepsie for the support of the poor of said city, and moneys which shall be collected and received by the said commissioners of excise of the county of Dutchess for licenses granted to the inhabitants of the city of Poughkeepsie in said county, under the provisions of "An act to suppress intemperance and regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, after deducting and retaining out of such moneys such ratable proportion of the lawful compensation and expenses of the commissioners of excise of said county, for hearing applications for licenses and granting licenses, and for other expenses incurred officially in said city, under the said act, as the amount of moneys received for licenses under said act, to residents of the city of Poughkeepsie, shall bear to the whole amount of moneys received for licenses granted under said act, in the whole county of Dutchess, in each year. § 4, ch. 286, 1863, as amended by § 2, ch. 49, 1864.

This section and the five succeeding sections superseded or modified by ch. 412, 1867. See ante, §§ 317-319, and note to § 303.

§ 333. The commissioners of excise of the county of Dutchess, at the time of paying over to the commissioners of the almshouse of said city of Poughkeepsie, as required by the fourth section of this act, the amount received by them for licenses granted under the said act to suppress intemperance and regulate the sale of intoxicating liquors, in each year shall deliver to the said commissioners of the almshouse of the city of Poughkeepsie, a statement setting forth:

Duty of commissioners of excise. This section modified, see ante, §§ 317-319.

First. The whole amount received by them in such year for licenses.

Second. The amount received by them for licenses granted to residents of the city of Poughkeepsie.

Third. The whole amount of their lawful compensation and expenses for such year under said act, in the whole county of Dutchess; which statement shall be signed and certified under oath by each of said commissioners of excise. § 5, same chapter, as amended by ch. 49, of 1864.

§ 334. Whenever the commissioners of excise of the county of Dutchess shall collect and receive any moneys for penalties incurred under the provisions of said act, for violations thereof committed in the city of Poughkeepsie, they shall deduct all lawful expenses for collecting such penalties, and pay over the residue thereof to the commissioners of the almshouse of the city of Poughkeepsie, for the support of the poor of said city. § 6, same ch.

Commissioners of excise may deduct expense of collecting. Modified, see ante, §§ 317-319.

§ 335. The recorder of the city of Poughkeepsie shall pay over to the said commissioners of the almshouse of the city of Poughkeepsie all fines he may collect and receive for violations of the said "Act to suppress intem-

Duty of recorder. See ante, §§ 317-319.

perance and regulate the sale of intoxicating liquors.”
§ 7, same ch.

Money in
the treas-
ury to be
paid over.
See ante,
§§ 317-319.

§ 336. All moneys now in the hands of the county treasurer, for licenses and penalties collected in the city of Poughkeepsie under said act, and all moneys in the hands of the recorder or supervisors of said city, for fines imposed under said act (for suppressing intemperance), shall be paid to the said commissioners of the almshouse of the city of Poughkeepsie. § 8, same ch.

Fines to be
paid over.
See ante,
§§ 317-319.

§ 337. All fines heretofore imposed, or which may hereafter be imposed, by any court of criminal jurisdiction in the county of Dutchess, for violations of said “Act to suppress intemperance and to regulate the sale of intoxicating liquors,” committed in the city of Poughkeepsie, shall be paid by the district-attorney or other officer receiving the same to the commissioners of the almshouse of the city of Poughkeepsie, for the support of the poor of said city. § 9, ch. 286, 1863.

Superin-
tendent of
poor to
keep an
office.

His duties.

§ 338. The said superintendent of the poor shall keep an office, to be provided for him by the said commissioners, in the city of Poughkeepsie, which shall be open and accessible to those having business therein, at such hours as said commissioners may designate. He shall devote his time and attention to the discharge of his public duties, and shall, amongst other things, attend the meetings of the said board of commissioners, and act as the secretary thereof. He shall aid them in the examination into the circumstances and conditions of the poor persons applying for or entitled to relief, as provided in the second subdivision of section third of this act (section 331) and shall keep a record of such examinations. He shall keep the minutes of the proceedings of the commissioners, and an account of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare their annual and other reports. He shall carry into effect the orders and directions of the said commissioners in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time. § 10, same ch.

Commis-
sioners to
make
report.

§ 339. The said commissioners shall annually, on the first day of November in each year, cause to be prepared a report containing an exact and accurate account of all moneys received by them, and the sources from whence such moneys were received during the preceding year; an exact and accurate account of all their expenditures, and of all debts incurred by them, which are unpaid for the same period of time, and the objects for which such debts were incurred, and to which such expenditures were applied, and to the persons to whom they were

paid, for the same period of time also; the number of persons admitted and discharged from the almshouse; the number of those provided with out-door relief; the expenses incurred for keeping and supplying such almshouse, and the expenses incurred for such out-door relief during the year, which said report shall be signed by said commissioners and superintendents, and filed in the office of the chamberlain of such city, and published in two newspapers published in said city of Poughkeepsie.

§ 11, same ch.

§ 340. The said commissioners shall also, on the first day of November in each year, make a written estimate, to be signed by them, of the amount of moneys which, in their judgment, will be required for the support of the poor of said city during the year; which said estimate shall, by said commissioners, be laid before the common council of the city of Poughkeepsie, at their next annual meeting, who shall cause the moneys in said estimate mentioned to be levied and collected on the said city, at the same time and in the same manner as the other taxes are levied and collected; and they shall also, by their warrant, direct and require the collector to pay the same when collected to the said commissioners, who shall apply the same to the relief and support of the poor in the manner herein directed. § 12, ch. 286, 1863; as amended, § 4, ch. 49, 1864.

Estimate of amount for support of poor to be made.

§ 341. The city of Poughkeepsie shall be entitled to receive from the board of supervisors of the county of Dutchess, in money, its fair and just proportion of the estimated value of the county poor-house, farm and buildings, with the appurtenances, and the personal property thereon being, belonging to said county, which proportion shall be in the same ratio to the ascertained value of the said poor-house and farm, with the appurtenances and personal property, as the amount of state and county taxes charged upon the city of Poughkeepsie bears to the aggregate amount of state and county taxes charged upon the county of Dutchess, according to the assessment rolls of said city, and of the several towns in said county, for the year eighteen hundred and sixty-two. For the purpose of ascertaining the value of the said county poor-house, farm and personal property, the said board of supervisors shall, on the second day of their next annual meeting, by resolution, appoint one competent and disinterested person as an appraiser; and the said commissioners shall also appoint, by like resolution, one other competent and disinterested person as an appraiser, who shall proceed with all convenient speed to examine the said property and to estimate and appraise all value of the said real and personal property; which said esti-

City to receive proportion of the value of county poor-house, &c.

Appraiser.

mate and appraisal shall be in the form of a report in writing, and shall specify the several pieces and items of property, with the value thereof, and shall be signed by the said appraisers, and filed with the clerk of the said board of supervisors; and the aggregate amount of such values shall be deemed and taken to be the true value of such real and personal property. If the said appraisers shall disagree and become unable, by reason thereof, to make such report, they shall certify such disagreement in writing, under their hands, to one of the justices of the supreme court, who shall thereupon, by an order to be entered for that purpose, appoint one other competent and disinterested person as an additional appraiser, to estimate and appraise the value of such property; and the said three appraisers shall then proceed to re-examine the said property, and to make an appraisement of the value thereof; and the written report of the said appraisers, or any two of them, made, signed and filed as hereinbefore mentioned, shall be final and conclusive as to the value of such real and personal property. The reasonable fees and expenses of the said appraisers, for making such estimate and appraisal, shall be paid by the board of supervisors as a part of the county expenses. The said board of supervisors shall cause the first proportion of the city of Poughkeepsie, in the said real and personal property, when estimated and ascertained as aforesaid, to be assessed upon and collected from the towns of the said county of Dutchess, excluding the city of Poughkeepsie; and shall cause the same, when so collected, to be paid over to the said commissioners of the almshouse. The appraisers mentioned in this section shall also estimate the number of paupers contained in the Dutchess county poor-house at the time of such appraisal, and shall set apart, as belonging to the city of Poughkeepsie, such number of said paupers as shall be equitable, assuming as the basis for such division the proportion which the money apportioned to the city of Poughkeepsie shall bear to the whole amount of county-house property, and such proportion of the principal aforesaid shall be taken to the city of Poughkeepsie and maintained at the cost of the city of Poughkeepsie, and the remainder maintained at the expense of the rest of the county of Dutchess, and all such paupers shall acquire a settlement; and in case of a sale of the said county poor-house, farm, and the personal property thereon, or either, then the said city of Poughkeepsie shall be entitled to receive from the said board of supervisors its fair and just proportion of the amount of such sale or sales as herein provided; which money shall be paid to

Pay of appraisers.

Paupers to be numbered.

Sale of poor-house.

the said commissioners of the almshouse. § 13, ch. 286, 1863; as amended by § 5, ch. 49, 1864.

§ 342. The said commissioners shall apply such moneys to the purchase of the lands for an almshouse, and to defray the expense of erecting buildings thereon, or to the payment and satisfaction of any debt contracted by them for such lands, almshouse and buildings. All other moneys required by them for procuring and paying for lands, almshouse and buildings, and for furnishing the same with farm stock and utensils and furniture, not exceeding in all the sum of thirty-five thousand dollars, shall, upon the request of said commissioners, be, in whole or in part, assessed upon and collected from the city of Poughkeepsie at the first assessment and collection of taxes after such request shall be made, and be paid over to the said commissioners in the manner provided in section thirteen of this act (section 341); or the said commissioners may borrow the whole or such part of such moneys as they may deem best, and give obligations therefor in their corporate names, to be signed by their president and secretary, payable in such amounts and at such times as they may deem best; and the city of Poughkeepsie shall be liable therefor to the same extent and in the same manner as if such obligations had been given by said city; and the common council of said city shall cause an amount sufficient to meet the interest on such obligations and the principal thereof, as the interest and principal fall due, to be levied and collected on said city, at the same time and in the same manner as other taxes are levied and collected. § 14, ch. 286, 1863, as amended by § 6, ch. 49, 1864, and by ch. 143, 1868.

§ 343. The commissioners of emigration of this state shall, from time to time, pay to the said commissioners of the almshouse of the city of Poughkeepsie all moneys expended by them for the support of foreign paupers in the said city, out of the commutation moneys in the hands of such commissioners of emigration, according to the provisions of the act "Concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, and the several acts amending the same. § 15, same ch.

§ 344. The said commissioners of the almshouse shall receive no compensation for their services whatever, for any services to be rendered by them under the provisions of this act, but all reasonable and proper expenses incurred by them in executing their trusts as such commissioners shall be paid out of any moneys raised for the support of the poor as herein mentioned. § 16, same ch.

§ 345. Whenever it shall become necessary to take proof of any fact or facts, by affidavits or otherwise, to

Applica-
tion of
money.

Commis-
sioners
may bor-
row money
and give
obliga-
tions.

City of
Pough-
keepsie to
be liable.

Foreign
paupers.

No com-
pensation,
but ex-
penses
paid.

Oath may
be taken
before

commis-
sioner or
superin-
tendent.

entitle the said commissioners of the almshouse to receive moneys from the commissioners of emigration, or any other fact, the proof of which may be necessary to enable the said commissioners of the almshouse to carry into effect the provisions of this act, such oath may be administered by, and such affidavit taken before, any one of the said commissioners or of the said superintendent of the poor, who are hereby authorized to administer oaths. § 7, same ch.

Commis-
sioner or
superin-
tendent
not to be
interested
in certain
sales.

§ 346. It shall not be lawful for the said commissioners of the almshouse, or either of them, or the said superintendents of the poor, to be concerned or interested, directly or indirectly, in the sale of any goods, merchandise or other personal property found, furnished or provided for the use of the poor of the said city of Poughkeepsie; nor shall such commissioners and superintendents, or either of them, take or receive any profit, reward or emolument for or on account of any goods, merchandise or personal property found, furnished or provided by any person or persons other than such commissioners, for the use of the poor of said city; every violation of the provisions of this section shall be deemed a misdemeanor, punishable by fine and imprisonment. § 18, ch. 286, 1863.

Residents
and others
not dis-
qualified
in suits.

§ 347. No person shall be disqualified from acting as judge, recorder, justice, witness or juror, by reason of his being a resident, inhabitant or freeholder in said city of Poughkeepsie, in any action or proceeding in which the said commissioners of the almshouse are a party. The inhabitants of the city of Poughkeepsie shall not, after the passage of this act, be entitled to vote for superintendent of the poor of Dutchess county at any election for such officer. § 19, same ch.

Applica-
tion of
statutes.

§ 348. All the provisions of the Revised Statutes, in relation to the settlement of the poor and their removal from one county to another, shall be understood to apply to the two divisions into which the county of Dutchess is divided by this act. § 20, same ch.

Proviso:

See §§ 317-
319, ante.

§ 349. Nothing in this act contained shall be construed as requiring the treasurer of the county of Dutchess to pay over to the said "Commissioners of the almshouse of the city of Poughkeepsie" any part of the ten per cent received from the board of commissioners of excise of said county, and required by law to be by said treasurer paid to the treasurer of the state inebriate asylum. § 21, same ch.

State
inebriate
asylum.

Pough-
keepsie
orphan
house, &c.

§ 350. [The Poughkeepsie orphan-house and home for the friendless] shall have perpetual succession, whose object and business shall be, by the publication and diffusion of books, papers and tracts, and by other moral and religious means, to prevent vice and moral degrada-

tion, and maintain houses of industry and home for the relief of friendless, destitute or unprotected females, and for friendless or unprotected children. Part of § 1, ch. 316, 1852; as amended by ch. 595, 1868.

§ 351. The board of managers shall have power to appoint matrons and such other assistants as they may deem necessary in conducting the domestic and internal concerns of their house or houses of industry and home for the friendless; to make any by-laws and regulations for the government of their own proceedings, and those of all persons so appointed, and of other inmates of their house or houses; to govern the children under their care, and prescribe their course of instruction and management to the same extent, and with the same rights, as exist in the case of natural guardians. § 4, ch. 316, 1852.

Powers of
board of
managers.

§ 352. In all cases where a child shall have been surrendered by its natural or other legal guardians to the care and management of the society by any instrument or declaration in writing, it shall be lawful for the said board of managers, at their discretion, to place such child by adoption or at service in some suitable employment, with some proper person or persons, conformably to the laws of this state in regard to the binding out of orphan children, provided, that in all such cases the terms of indentures shall be approved by the police justice of the village [city] of Poughkeepsie, or by the surrogate, or a superintendent of the poor of the county of Dutchess, which approval shall be signified on such indenture by the signature of such justice, surrogate or superintendent; but in every such case the requisite provisions shall be inserted in the indenture or contract of binding, to secure the child so bound such treatment, education or instruction as shall be suitable and useful to its situation and circumstances in life. § 5, same ch.

When a
child is
surren-
dered to
care of
society.

§ 353. The children instructed in the schools connected with the houses aforesaid shall be entitled to draw an equal apportionment from the common school fund, according to the average number in attendance, in the same manner as do the children of other benevolent societies, and the common or public schools of the village of Poughkeepsie and state. § 6, same ch.

Children
in the
schools to
draw an
apportion-
ment.

§ 354. In case of the death or legal incapacity of a father, or of his imprisonment for crime, or of his abandoning and neglecting to provide for his family, the mother shall be deemed the legal guardian of her children for the purpose of making such surrender as aforesaid; and if, in any such case, the mother be also dead or legally incapable of acting, or imprisoned for crime, or shall have abandoned or neglected to provide for her child or children [the mayor of the city of Pough-

Mother
deemed
legal guar-
dian in
certain
cases.

keepsie], said police justice or surrogate shall be by virtue of his office the legal guardian for the like purpose; and so in all cases where it cannot by diligent inquiry be ascertained that there is, within the state, any parent or other person legally authorized to act in the premises, the said [mayor], justice or surrogate shall be ex officio such guardians for the same purpose; and such guardianship shall extend as well to children already in the care of said society, as to those who may hereafter be offered for admission, or received therein; and in either case whether such surrender be made by the mother or by the said mayor, justice or surrogate, and whether before or after admission into the said home, it shall be deemed a legal surrender for the purposes, and within the true intent and meaning, of the fifth section of this act (section 352); but no surrender by a mother as provided by this section shall be valid, without consent of the said justice, mayor or surrogate. § 7, ch. 316, 1852, as modified by § 2, ch. 431, 1870.

CHAP. XIV.

RELATING TO DUTCHESS AND CHEMUNG COUNTIES.*

SECTION 355. Board of supervisors of Dutchess or Chemung counties may change mode of supporting the poor and contract therefor; may sell poor-house in either county; proceeds, how disposed of; may abolish office of superintendent.

356. Repeal of inconsistent laws.

Board of supervisors of Dutchess or Chemung counties authorized to contract for support of poor.

Poor-house building to be sold. Avails, how applied.

§ 355. Whenever in either the county of Dutchess or Chemung any two successive boards of supervisors in the same county shall, by a vote of a majority of all the members of each board, resolve that it is expedient to change the present mode of supporting the poor in said county, there shall thereupon be vested in the board of supervisors of such county authority and power to contract with any person or persons in such county for the support and maintenance of the poor thereof, or to sell and convey the present poor-house buildings and lands attached thereto, and if the supervisors of Dutchess county shall so sell and convey, they shall divide the proceeds between the city of Poughkeepsie and the several towns in said county in proportion to the amount of county taxes paid by them respectively, and if the super-

* See ante, chapters IX and XIII.

visors of Chemung county shall so sell and convey, they shall divide the proceeds in the same manner, among the several towns of Chemung county. If such sale or sales are made, then the said board or boards of supervisors may restore in their respective counties the former practice of each town supporting its own poor; and in case the board of supervisors of either of said counties shall change the present mode of supporting the poor in such county and shall adopt either of the modes herein described, thereupon the office of superintendent of the poor in such county is declared to be abolished, and the term of office of the incumbent or incumbents thereof shall terminate at such date prior to its full period as the board of supervisors shall designate. § 1, ch. 170, 1856.

§ 356. All laws inconsistent with the above as applicable to the counties of Dutchess and Chemung are hereby repealed. § 2, same ch.

Super-
visors of
Chemung
county
may sell
poor house
buildings.

Office of
superin-
tendent of
the poor,
when
abolished.

Repeal of
inconsist-
ent laws.

CHAP. XV.

ERIE COUNTY.

- § 357. Erie county superintendent of the poor, how elected; term of office, when to begin; his salary and powers; vacancy, how filled.
358. Keeper of poor-house appointed by supervisors, to hold his office during pleasure of board; duty of keeper as to rules; superintendent to approve of rules; keeper to furnish supervisors with inventory of property and to make annual report to them; duties of keeper as to the general care of paupers.
359. Bond of keeper and its conditions.
360. Inventory and account to be made by present superintendents, under oath, to supervisors.
361. Temporary relief of poor in Buffalo.
362. Buffalo overseer, his powers, duties, &c., &c.
363. Buffalo juvenile asylum created.
364. Objects.
365. Estate &c., managed by a board of directors; directors classified and term of office; vacancies, how filled; powers and duties of directors.
366. Vacancies, how filled; elections, how held.
367. Eight constitute a quorum.
368. Site to be procured and asylum built.
369. Children surrendered; form of surrender.
370. What children such asylum may receive; what children only received in such asylum can be a town or county charge.
371. Destitute children, beggars and abandoned children may be committed to care of such asylum upon certain proceedings.

RELIEF OF THE POOR.

SECTION 372. Duty of officer serving summons.

- 373. Parents or guardians may demand an examination; magistrate may issue warrant of commitment; form of warrant.
- 374. Policemen or constables may arrest children.
- 375. Child may be discharged upon agreement being given for its support.
- 376. Violation of agreement to support and penalty therefor.
- 377. Magistrate shall make order for security and support; child brought before him.
- 378. Vicious children may be discharged or returned to poor-house.
- 379. Repeal of sections 27 and 28 of ch. 123, 1856.
- 380. County to convey land to asylum and may make appropriations, &c.
- 381. Child, how discharged from asylum and conditions of discharge.
- 382. Children may be bound out.
- 383. Indentures not to be assigned, but may be canceled.
- 384. Complaint of cruelty may be examined into and custody of child resumed.
- 385. Occupation not to be restricted.
- 386. Certain agreements void, and penalty therefor.
- 387. Upon death of master, indenture, with consent of child, may be assigned.
- 388. Board of directors, guardians of children, master to make report every six months.
- 389. Board of directors to make report to the legislature.
- 390. Common council of Buffalo to visit the asylum.
- 391. Commissioners of emigration to pay for support of emigrants.
- 392. Schools established by asylum shall participate in common school fund.
- 393. Duty of directors when asylum is completed.
- 394. The children's aid and reform society may be merged into this.
- 395. Act, when to take effect.
- 396. The society for the protection of destitute Roman Catholic children of Buffalo, what children may be committed to.
- 397. When children may be bound out by such society.
- 398. Children intrusted to care of such society to be deemed to be in lawful charge and control of the same; how such intrusting evidenced.
- 399. Magistrate may commit certain vagrant and neglected children to the care of such society; form of such commitment.
- 400. How warrant of commitment to be executed.
- 401. Notice to parents or guardians of such warrant.
- 402. Return of constable on such notice; form of notice to be posted if parents or guardian cannot be found.
- 403. How child may be recovered.
- 404. Final commitment.
- 405. Restoration in case of improper commitments.
- 406. Disposition of vicious children.

RELIEF OF THE POOR.

105

SECTION 407. Corporation guardian of indentured children; master to report to it every six months.

408. Corporation to report each year to the legislature and to the common council of Buffalo.

409. Common council of Buffalo to inspect once in each year; certain officers *ex officio* managers.

410. Duty of said corporation.

§ 357. There shall be elected at the next general election in the county of Erie, and in each third year thereafter, at the general election, one superintendent of the poor, to be chosen in the same manner as other county officers of said county, and whose term of office shall be three years, and shall commence on the first day of January next succeeding his election. The terms of office of the present superintendents of the poor of the said county shall cease and determine on the first day of January next. The superintendent of the poor of said county shall take and file his oath of office in like manner as other county officers, before entering upon the performance of the duties of such office. His salary shall be fixed by the board of supervisors of the said county before his election, and shall not be increased or diminished during his term of office, and the same shall be a county charge. The superintendent of the poor of said county, hereafter to be elected, shall have and possess all the powers and authority and be subject to the same liabilities, pains and penalties as the superintendents of the poor of the said county now have and possess and are subject to under the present law, except as otherwise herein especially provided; and in case of any vacancy occurring in said office by death, resignation or otherwise, the board of supervisors of said county shall fill the vacancy until the next general election, when the vacancy shall be filled by the people choosing, in such election, one person to fill the same, in the same manner as the superintendent is originally chosen. § 1, ch. 461,* 1867.

§ 358. The board of supervisors of the said county shall possess the sole power to appoint a keeper of the poor-house, to hold his office during the pleasure of the board, and the said keeper, when so appointed, shall have power and it shall be his duty:

1. To establish and ordain prudential rules, regulations and by-laws for the government and good order of the poor-house, the county farm and property connected therewith in said county, and for the employment, relief, management and government of the persons therein placed; said rules, regulations and by-laws shall be

* An act for the support and relief of the poor, and for the government of the poor department of the county of Erie. Passed April 19, 1867.

approved and sanctioned by the superintendent, in writing, and a copy thereof, with such approval, shall be filed with the clerk of the board of supervisors.

Inventory
of goods,
&c., of
poor house

2. The said keeper shall, in each and every year, at the first day of the annual session of the board of supervisors, furnish to and file with the said board, a full, true and correct inventory of all the goods, furniture, farming utensils, stock and property of every name, kind and nature, belonging to the said county or in its use, on or connected with the poor-house or the poor-house farm, which said inventory shall specify each article and its estimated value, as near as may be, and shall be verified by his oath, and a duplicate thereof shall be kept by him at the poor-house in a book of invoices, and shall be open for inspection to any taxable inhabitant of said county at all reasonable hours.

Duty of
keeper as
to pur-
chase of
supplies,
&c.

3. To purchase the furniture, implements, material and supplies that shall be necessary, from time to time, for the maintenance of the poor therein, and to employ such help to carry on the business of the poor-house as shall be necessary, in addition to the labor of the paupers.

Certify to
sums due
for bring-
ing pau-
pers to
poor house

4. To certify the amount due to any person for bringing paupers to the poor-house, which amount shall be paid by the county treasurer on the production of such certificate, countersigned and allowed by the superintendent of the poor.

Drawing
for ex-
penses on
treasurer
of county.

5. To draw on the county treasurer, from time to time, for all necessary expenses incurred by him in the discharge of his duties, to be paid by the treasurer out of any moneys in his hands for the support of the poor.

Books of
keeper.

6. To keep a book or books in which shall be entered a correct and full statement of all purchases, contracts, sales and expenditures made by him as such keeper, which book or books shall be open for the inspection of any taxable inhabitant of the county, at all reasonable hours, and which book or books, and the vouchers for such expenditure, shall be exhibited by him to the board of supervisors at each annual meeting of the board, and at any special meeting thereof, when he shall be called upon by resolution so to do.

Annual re-
port of ex-
penditures
&c., to su-
pervisors.

7. And the said keeper shall, at each annual meeting of the board of supervisors, and whenever called upon so to do, render to the said board a full, just and correct account in writing, and in detail, of all expenditure made by him, and of his doings as such keeper; the amount and value of the products of the labor of the paupers, and of the produce of the farm, and the name of every person to whom any draft on the county treasurer shall have been given by him, the amount of the same, together with a statement of what the allowance was made for,

and the price or sum allowed for the service or article for which such allowance was made; which statement shall be verified by the oath of the said keeper, and shall be filed with the clerk of the board of supervisors. § 2, ch. 461, 1867.

§ 359. Said keeper, before entering upon the duties of his office, shall execute to the treasurer of said county a bond in such penalty and with such sureties, to be approved by a judge of the supreme court, as shall be determined by the board of supervisors, conditioned for the faithful performance of his duties as such keeper, and the proper application of all money and property coming into his custody as such keeper, and for the due accounting for the same, which bond shall be filed with the county treasurer; and in case of default in the conditions thereof, or in any of them, the said treasurer is authorized and required to prosecute the same to judgment and execution, and all moneys collected thereon shall be paid into the county treasury for the support of the poor of said county. § 3, ch. 461, 1867.

Bond of
keeper.

§ 360. The present superintendent of the poor of Erie county shall make, or cause to be made and filed with the clerk of the board of supervisors at the next annual meeting of the said board, and on the first day thereof, a full, just and accurate inventory of all the goods, furniture, farming utensils, stock and property of every name and nature belonging to the said county, and connected with the said poor-house or poor-house farm at that time in the same manner specified in subdivision second of section second of this act, which shall be, in like manner, verified by the oath of the said superintendents, and the said superintendents shall, in like manner, file with the said board, at the same time, a full and detailed account of all expenditures made by the said superintendents during the year next preceding, and shall, at the same time, exhibit their vouchers for the same, and of all their receipts as such superintendents, with a statement of the sources respectively whence the same were derived, and a statement of the produce of the said farm, and of the labor of the inmates of the poor-house, which account shall be verified by oath in like manner as the inventory last aforesaid. § 4, same ch.

Inventory
and ac-
count to
be made
by present
superin-
tendents.

§ 361. The expenses for temporary relief in the city of Buffalo, under and by virtue of the law entitled "An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may adopt the provisions of this act," passed May fourth, eighteen hundred and forty-five, shall be audited by the superintendents of the poor of said county, in like manner and with the like effect as similar expenses in

Tempo-
rary relief
of the poor
in Buffalo.

towns are, by the provisions of said act, to be audited by the board of town auditors ; and the said superintendents of the poor shall meet for that purpose at their usual place of meeting, in the city of Buffalo, on the Thursday next preceding the annual meeting of the board of supervisors of said county. Ch. 316, 1854.

Overseer
in Buffalo.

His
powers.

His official
bond.

Official
oath.

Deputies
and clerks.

§ 362. [One of] the officers of the city [of Buffalo], to be elected by general ticket, shall be an overseer of the poor. Part of § 1, title 2, ch. 519, 1870. [He] shall have the same powers and duties as overseers of the poor in the towns of the county of Erie, except as otherwise provided by this act. Part of § 38, same title. [Such] overseer shall execute and file with the city clerk a bond or undertaking to the city, with sureties, in such sum as shall be fixed by ordinance, conditioned for the faithful performance of the duties of [his respective office], and for the accounting for and payment to the treasurer of all moneys belonging to the city received [by him], and shall, when required by the common council, execute and file a new bond or undertaking. Part of § 16, same title. All bonds and undertakings required by this act, or any ordinance passed by virtue of it, shall be acknowledged, and the sureties therein justify, and the certificate of acknowledgment and the affidavit of justification by the sureties shall be upon the bond or undertaking. Such bond or undertaking shall not be filed without the written approval of the mayor in do sed thereon. § 17, same title. [Such] overseer, before he enters upon his office, shall subscribe and take the oath of office prescribed by the constitution, and file the same with the city clerk, and also the bond and undertaking required of [him]. Part of § 21, same title. The overseer of the poor shall, with the advice and consent of the common council, appoint a deputy, [and such overseer] shall appoint one clerk, and as many more as shall be authorized by ordinance ; such [deputy] and clerks shall hold their office during the pleasure of the officer by whom they were appointed. The officer and his sureties shall be liable on his official bond for the conduct of the deputy and clerks appointed by him. Part of § 59, same title. The deputies mentioned in the preceding section shall, in the absence or inability of their principals to perform the duties of the office, and during a vacancy therein, perform the duties thereof ; before entering on the office they shall take the oath of office prescribed by the constitution, and execute, with sureties, and file with the city clerk, a bond or undertaking in such sum as shall be fixed by ordinance, conditioned for the faithful performance of their duties, and the payment over of all money received by them. § 60, same title. The officers and the deputies men-

tioned in section fifty-nine of this title shall be ex officio commissioners of deeds, but, as such, shall not be entitled to receive any fees from the city. § 61, same title. The city shall have power, by its common council, from time to time, to enact ordinances :

Powers of
common
council.

1. To prescribe the duties of all officers or persons elected or appointed under this act.

2. To define and prevent disorderly conduct; to prevent all disorderly assemblages, all disturbing noise, all drunkenness in public places; and to punish vagrants, beggars and disorderly persons, as defined by law. Subs. 1 and 2 of § 8, title 3, ch. 519, 1870.

§ 363. The ["Buffalo Juvenile Asylum"] shall have the powers which, by the third title of the eighteenth chapter of the first part of the Revised Statutes are declared to belong to corporations; and shall be capable of taking, by purchase or devise, holding and conveying any estate, real or personal, for the use and purposes of said corporation; but such real estate shall not exceed the yearly value of twenty thousand dollars, nor be applied to any other purposes than those for which this corporation is created.* Part of § 1, ch. 123, 1856.

Buffalo
Juvenile
asylum.

Powers.

§ 364. The objects of such corporation are to receive and take charge of such children, between the ages of five and fifteen years, as may be voluntarily intrusted thereto by their parents or guardians, or committed to its charge by competent authority, and to provide for their support; and also to afford them the means of moral, industrial and intellectual education. § 2, same ch., as amended by ch. 759, 1857.

Objects.

§ 365. The estate and concerns of said corporation shall be managed and conducted by a board of directors, of which board the mayor and president of the board of aldermen and the chairman of the committees of finance, police and schools, of the said board of aldermen, for the time being, shall be ex officio members, in addition to twenty-four other persons hereinafter provided for, which board of directors shall perform the duties required of them by virtue of this act without any compensation for their services; and the twenty-four persons named in the first section of this act shall constitute a part of the first board of directors, and shall be divided by lot into three classes of eight each; and the first class shall hold their offices respectively until the second Monday of January, which shall be in the year 1858; and the second class shall hold their offices respectively until the second Monday of January, which shall be in the year

Estate, &c.
how
managed.

Directors
classified.

Terms of
office.

* In Chapter 37, of 1852 "The Buffalo Association for the Relief of the Poor" was incorporated, "for the purpose of improving the condition and relieving the necessities of the poor in the city of Buffalo."

President and other officers.	1859; and the third class shall hold their offices respectively until the second Monday of January in the year 1860. Jason Sexton shall be the first president of the said board of directors and of the said corporation; George S. Hazard shall be the first vice-president, Cyrus P. Lee the first treasurer, and George W. Clinton the first secretary thereof, and they shall respectively hold
Term of office.	their said offices until the second Monday in January, 1858, on which day, and on each second Monday in January thereafter, the said board of directors shall assemble as soon as practicable after the close and determination of the result of the annual election of directors, and elect from the directors of said corporation a president, vice-president, treasurer and secretary for the ensuing
Vacancies.	year. All vacancies in said offices, happening before the expiration of the regular term thereof, may be filled until the next annual election by the board of
Powers and duties.	directors at any regular meeting thereof. The powers and duties of such officers, and of all committees of said board, and of all other officers and employees of such corporation, shall be such as shall from time to time be prescribed by the by-laws of said corporation; but the indenturing committee to be appointed by said board, with power to act in binding and indenturing children committed to its charge, shall consist of the president of the corporation and two other members of the board of directors, and no indenture shall be executed by the president in behalf of said corporation, except by the consent in writing of the other members of the said committee; and except that the same may be so executed by the president or vice-president in pursuance of an express resolution of said board, and all indentures so executed shall be deemed and taken to be properly executed by said corporation. § 3, ch. 123, 1856.
Vacancies, how filled.	§ 366. To supply the vacancies occasioned by the expiration of the term of service of the eight directors, included in the first class, eight directors shall be elected on the second Monday of January, in the year one thousand eight hundred and fifty-eight, by the members of the said corporation, that is, the directors and such other persons as may have contributed fifty dollars at any one time, or three dollars within the year, to the funds of said corporation. This election shall take place under the direction of three inspectors, to be appointed by the board of directors, who shall give notice of the time and place of holding such election, by publishing the same in two daily newspapers of the city of Buffalo, for at least two days next preceding said election. The term of office of the eight directors, thus elected, shall commence on the second Monday of January, in the year one
Election.	
Publication.	
Term of office.	

thousand eight hundred and fifty-eight, and the said directors so elected shall hold their offices respectively for three years. Annually thereafter there shall be elected in the same manner the same number of eight directors, who shall enter upon and hold their offices for three years, as herein above provided in regard to the eight directors elected to fill the vacancies occasioned by the expiration of the term of office of the first class of said directors. The board of directors shall have the power, and it shall be their duty, to fill all vacancies that may occur in their own body from any cause whatever, and the person so elected to fill a vacancy shall hold his office for the unexpired term of his immediate predecessor in office. § 4, ch. 123, 1856.

Annual elections.

Board to fill vacancies.

§ 367. At all the meetings of the board of directors, eight members shall constitute a quorum for the transaction of ordinary business; but no purchase or conveyance of real estate, nor removal from or appointment to office, shall be made without a quorum of at least thirteen directors. § 5, same ch.

Quorum.

§ 368. The corporation hereby created shall, so soon as may be practicable, procure within the city of Buffalo suitable building sites and lands, and erect and maintain thereon an asylum for such children, as, under this act, the regulations to be adopted by the board of directors, and the laws of the state, may be intrusted or committed to the care and management of the said corporation; such asylum shall embrace the buildings necessary for the comfortable accommodation of the children therein; for their instruction, moral, intellectual and industrial; and for their general treatment in such manner as may best promote their welfare, and most fully accomplish the beneficent designs and objects of the said corporation; and until such building sites and lands shall be procured, and the permanent buildings of the asylum thereon erected and completed for use, the corporation may procure, within the city aforesaid, such temporary accommodation as may be necessary for its purposes. § 6, same ch. [Said asylum may take, hold by gift, purchase or devise building sites and lands elsewhere within the county of Erie, as well as in the city of Buffalo, for the erection and maintenance of its reception house, or houses, and asylum.] § 1, ch. 759, 1857.

Asylum to be built.

§ 369. Children intrusted to the said corporation by the voluntary act of their parents or guardians shall be deemed to be in the lawful charge and custody of the said corporation; and such surrender shall be evidenced by a writing in form substantially as follows, viz.:

Surrender.

"I, A. B. (father, mother or guardian, as the case may be), of C. D. (a boy or girl), aged years, born in ,

Form.

do hereby surrender and intrust to 'The Buffalo Juvenile Asylum,' for the period of years, the entire charge, management and control of the said C. D., and do hereby assign to and invest the said corporation with the same powers and control over the said C. D. as those of which I am possessed.

"In presence of " § 8, ch. 123, 1856.

Ages of
children
intrusted
to it.

§ 370. The said corporation may receive and take under its care and management:

1. Children between five and fifteen years of age, who, by consent in writing of their parents or guardians, shall be voluntarily surrendered and intrusted to it, but the support and maintenance of any such child in such asylum shall not be a charge under this act upon the city of Buffalo, or upon any town of the county of Erie, unless the parents or parent or guardian of such child reside within the county of Erie, when the child is so surrendered, nor unless the surrender be accompanied, if such parents, parent or guardian reside within the city, by the certificate of the mayor or of the police justice, or a justice of the peace of the city, to the effect that he has examined the case, and is satisfied that the parents, parent or guardian reside or is unable to maintain and provide for such child, and that he approves the surrender of such child to the asylum, or if such parents, parent or guardian reside out of the city, unless the surrender is accompanied by such a certificate of the supervisor, or of one of the justices of the peace of the town wherein the parents, parent or guardian reside.

Support of
children.

Children
commit-
ted by
order of
magis-
trates.

2. Children between five and fifteen years of age, who may be committed to the charge of the corporation, by order of any magistrate or officer as hereinafter provided.

Children
from poor-
house.

3. Children between five and fifteen years of age, who may have been or may be sent to the county poor-house of the county of Erie, and shall be transferred to the said corporation under any arrangements which may, from time to time, be made by the board of supervisors of the said county and the said corporation; which transfers and arrangements the said board of supervisors is hereby authorized to make. § 7, ch. 123, 1856; as amended by ch. 759, 1857.

Destitute
children
brought
by con-
stables.

§ 371. Whenever any child above the age of five and under the age of fifteen years shall be brought by any constable, police constable or policeman of the city of Buffalo, before the mayor or any alderman, police justice or justice of the peace of the said city, upon the allegation that the said child was found in any public house, lane, alley, street, highway or public place in said city, or on any wharf, dock, boat or vessel in said city, in a

state of want or being abandoned, or improperly exposed or neglected by his or her parents or parent, or such other person or persons as may have him or her in charge; or soliciting alms or charity from door to door, or in any street, lane, alley, highway or public place, or any boat or vessel, dock or wharf, or in any public house or public office in said city, without being thereto duly licensed; and whenever any child above the age of five and under the age of fifteen years shall be brought by any constable of the county of Erie before any justice of the peace of any town of said county, upon the allegation that the said child was found in any place within said town in a state of want, or being abandoned, or improperly exposed or neglected by his or her parents or parent, or such other person or persons as may have him or her in charge, or soliciting alms or charity in said town from door to door, or in any street, highway, or public place within said town without being thereto duly licensed, it shall be the duty of the mayor, alderman, police justice or justice of the peace before whom the child is brought, immediately to inquire into the matter, and, if satisfied by competent testimony that there is probable cause to believe the allegation to be true, he shall, by an examination of the child, or such other testimony and information as he can procure, ascertain the name and residence of the parent, guardian or person in charge of such child, and, if there be none, or none in the county of Erie, then the name and residence of any other person within the county of Erie whom, from relationship, affinity or any other circumstance, such mayor, alderman, or magistrate may deem likely to take an interest in the disposition of the child, and shall direct a constable or other officer forthwith to summon such parent, guardian or person in charge, within the county of Erie, if any there be; and if there be none, then such other person likely to take an interest in the disposition of the child, if any there be, to appear before such mayor, alderman or magistrate, either forthwith or at some time stated in the summons, not more than ten days after the issuing thereof, to take care of the interests of such child; and such summons shall set forth the substance of the allegation, and notify the person summoned that the child will be committed to the guardianship of the Buffalo juvenile asylum, should the allegation be proved and the child not be reclaimed by its parent or guardian in the manner provided by law. If upon due inquiry the mayor, alderman or magistrate cannot ascertain the existing or residence, within the county of Erie, of any parent, guardian or person in charge, or person likely to take an interest in the disposition of the child, he shall, as soon as may be thereafter, examine the

Beggars.

Abandoned children.

Summons.

matter, and commit or discharge the child as hereinafter provided. § 9, ch. 123, 1856; as amended by ch. 759, 1857.

Duty of
policemen

§ 372. It shall be the duty of the policemen, constable or police constable, to whom any such summons shall be delivered, to serve the same as soon as practicable by delivering a copy of the same to the party to whom it is addressed, or by leaving it with some person of sufficient age, at the place of residence or business of such person, and to certify and report the fact; and the time and manner of such service, to the mayor, alderman or magistrate. § 10, same ch.; as amended.

Parents
may de-
mand ex-
amination

§ 373. The parent, guardian or person in charge of the child, or other person taking an interest in the disposition of the child, may appear at any time, at or before the return time of the summons, and demand an examination of the matter. On such demand or the return day of the summons, if duly returned, or at such other or further reasonable time as he may grant on the application of the parent, guardian or friend of the child, the mayor, alderman or magistrate shall examine the matter, and if satisfied by the examination of the child or other competent testimony that the allegation is true, and that by reason of the child's not having any parent, guardian or friend, or that by reason of the neglect, habitual drunkenness, improvidence or vicious habits of the parents or parent, or other lawful guardians of such child, or by reason of its being required, instructed or habitually permitted by its parent or guardian to beg, it is a proper object for the care and instruction of the said corporation, the said magistrate or officer in his discretion, by warrant in writing under his hand, may commit said child to this corporation, to be and remain under the guardianship of its directors, until therefrom discharged in manner prescribed by law; such commitment shall be by warrant in substance as follows:

May issue
warrant.

Form of
warrant.

To A. B., policeman, or, &c. (naming the officer with his addition of office): You are hereby commanded to take charge of A. B., a child under the age of fourteen and above the age of five years, who has been proved to me by competent evidence to be a proper object for the care and instruction of the corporation created by an act entitled "An act to incorporate the Buffalo Juvenile Asylum," passed April seventh, one thousand eight hundred and fifty-six; and who also appears to my satisfaction to be a proper object for the care and instruction of the corporation created by the said act; and to deliver the said child without delay to the said corporation at

me of reception in this city, and for so doing this
e your sufficient warrant.

d this day of , one thousand eight
d

no variance from the preceding *from*^a shall be
l material, provided it sufficiently appear upon the
' the warrant, that the child is committed by the
rate in the exercise of the powers given him by
, and no such warrant or other warrant authorized
provisions of this act shall be invalid, by reason
ame not being under the seal of the officer issuing
ie. § 11, ch. 123, 1856; as amended by ch. 759,

k. Every police constable, constable or policeman
city of Buffalo, and every other constable of the
of Erie, shall be and he is hereby authorized, and
be his duty after the passage or filing of the reso-
und declaration of the board of directors, as pro-
for in the thirty-first section of this act, to take
any such magistrate or officer any child which he
now, or have good reason to believe, may be legally
tied to the said asylum under the provisions of
t, or any amendment that may hereafter be made
c. But no mayor, alderman or magistrate, nor any
constable, constable or policeman of the city of
shall be entitled to any fee or compensation for
vice performed under this act. § 12, same ch.; as
ed.

Policemen
authorized
to arrest
children.

k. The child shall at any time before the execution
warrant be discharged, provided its parent or
n shall enter into an engagement in writing to
r of Buffalo, or to the overseers of the poor of the
s the case may require, with such surety or sureties,
as the examining officer or magistrate may require,
e parent or guardian will maintain and provide.
take due care of the child, and restrain him or
n wandering about and begging alms. § 13, same
amended.

Child may
be dis-
charged.

k. If it shall appear to the satisfaction of the
alderman, or magistrate, before whom a child
brought pursuant to the provisions of this act,
h an engagement had been previously given and
l, no new engagement shall be received in dis-
of the proceeding. In case any engagement, given
act to any child as herein provided for, shall be
lly or intentionally violated, the corporate au-
s of the city of Buffalo, or the overseers of the
whom it was made, may proceed thereon and

Violation
of agree-
ment to
support
child.

^a So in the original.

recover in any court held by any justice of the peace, a penalty of twenty-five dollars and costs, which penalty, when recovered, shall be paid to the treasurer of the corporation hereby created, for the use thereof. § 14, ch. 123, 1856; as amended by ch. 759, 1857.

Orders for
security
and
comfort.

§ 377. The mayor, alderman or magistrate before whom any child shall be brought, pursuant to this act, shall make all due and necessary orders for his or her security, sustenance and comfort pending the proceeding, and expenses thereof shall be provided for and paid by the Buffalo juvenile asylum. § 15, same ch.; as amended.

Discharge
of vicious
children.

§ 378. The said corporation shall have power, and it shall be their duty, whenever any child intrusted or committed to their charge shall be found to be so *degraded*,^{*} debased *as*^{*} vicious, as to be an improper subject *from*^{*} their care and management, to discharge such child from the asylum, or if such child was transferred from the county poor-house to return it thereto. § 17, same ch.; as amended.

Repeal.

§ 379. Section twenty-seven and section twenty-eight of the said act (ch. 123, 1856) are hereby repealed. § 7, ch. 759, 1857.

County to
convey
land to
asylum.

§ 380. The county of Erie, by its board of supervisors, is hereby authorized, in conformity with a resolution heretofore adopted by the board or otherwise, to give and convey to the Buffalo juvenile asylum ten acres on any other portion of its poor-house farm, or in the discretion of said board to give toward the foundation and support of said asylum such sum of money as may be deemed reasonable, to be levied and collected as a county charge. § 8, same ch.

Child, how
discharged

§ 381. If at any time after a child shall have been committed to the said Buffalo juvenile asylum, as above provided for in this act, it shall be made to appear to the satisfaction of the board of directors of the said asylum, that such child was, on insufficient cause, false or deficient testimony, or otherwise, wrongfully or improvidently so committed, the said board of directors shall, on the application of the parent, guardian, or other protector of such child, discharge the child from the said asylum, and restore it to such parents, guardian or protector; and also, if after a child shall have been properly committed to the said Buffalo juvenile asylum, by virtue and in pursuance of the provisions of this act, any circumstances should occur that, in the judgment of the board of directors of the asylum, would render expedient and proper a discharge of said child from said asylum, having a due regard for the welfare of the child and the purposes of

^{*} So in the original.

the asylum, the said board of directors, on the application of the parents, guardian or protector of such child, may, in their discretion, discharge the child from the said asylum, and restore it to its parents, guardian or protector, on such reasonable conditions as the said board of directors may deem right and proper, or the said board may in their discretion, without any such application, by a resolution passed by at least eight affirmative votes, discharge any such child from the said asylum where there are, in the judgment of the directors voting for such resolution, sufficient reasons therefor other than those in this and the next section (sec. 378) particularly specified; but such reasons shall be set forth in such resolution, and copies of every such resolution shall be furnished to the common council of the city of Buffalo at the time of making the annual report thereto, as required by the twenty-fifth section (sec. 389) of this act. § 16, ch. 123, 1856.

Conditions
of dis-
charge.

§ 382. The said corporation shall have power, in its discretion, to bind out or indenture as clerks or apprentices to some profession, trade or employment, the children intrusted or committed to their charge; and for a longer or shorter period, not exceeding, however, in the case of girls, the age of eighteen years, and, in that of boys, the age of twenty-one years. § 10, same ch.

Children
to be
bound out.

§ 383. No person receiving an apprentice under the provisions of this act shall be at liberty to assign or transfer the indenture of apprenticeship, or to let out or hire for any period the services of such apprentice, without the consent in writing of the directors of the said corporation, or of the indenturing committee thereof. In case the master of such apprentice shall be dissatisfied with his or her conduct or behavior, or for any other cause may desire to be relieved from said contract, upon application the said directors may, in their discretion, cancel the said indenture of apprenticeship, and resume the charge and management of the child so apprenticed, and shall have the same power and authority in regard to it as before the said indenture was made. § 19, same ch.

Inden-
tures not
to be
assigned.

May be
canceled.

§ 384. If any master shall be guilty of any cruelty, misusage, refusal or neglect to furnish necessary provisions or clothing, or any other violation of the terms of indenture or contract toward any such child so bound to service, such child may make complaint to the board of directors of the corporation hereby created, or two justices of the peace of the county in which such child is bound to service, or to the mayor, recorder or aldermen of any city in which such child is bound to service, or to any two of them, who shall summon the parties before them and examine into, hear and determine said complaint;

Complaint
of cruelty,
&c.

- Examination.** and if upon such examination the said complaint shall appear well founded, they shall, by certificate under their hands, discharge such child from his obligations of service, and restore him or her to the charge or management of the said corporation in the same manner, and with like powers, as before the indenture of such child. § 20, ch. 123, 1856.
- Choice of occupation not to be restricted.** § 385. No person shall accept from any journeyman or apprentice, indentured as aforesaid, any contract or agreement, nor cause him or her to be bound by oath or otherwise during his or her term of service, that such journeyman or apprentice shall not set up his or her trade, profession or employment in any particular place, shop, or cellar; nor shall any person exact from any journeyman or apprentice, after his or her term of service has expired, any money or other thing for using or exercising his or her trade, profession or employment in any place. § 21, same ch.
- Certain agreements void.** § 386. Every security given contrary to the provisions contained in the last preceding section of this act shall be void, and any money paid or valuable thing delivered for the consideration, in part or in whole, of any such agreement or exaction, may be recovered back with interest, by the person paying the same; and every person accepting such agreement, causing such obligation to be entered into, or exacting money or other thing aforesaid, shall forfeit one hundred dollars to the apprentice or journeyman from whom the same shall have been received. § 22, same ch.
- Penalty.**
- Death of master.** § 387. Upon the death of any master to whom an child may have been bound to service, under the provisions of this act, the executors or administrators of such master may, with the consent of the child so bound to service, signified in writing, acknowledged and approved by the board of directors of the corporation created by this act, assign the indenture or contract of such service to some other person, which assignment shall transfer to and vest in each assignee all the rights of the original master, and also make him subject to all his obligations. § 23, same ch.
- Indenture may be assigned.**
- Board of directors to be guardians.** § 388. The board of directors of each corporation shall be the guardians of every child bound or held for service by virtue and in pursuance of the provisions of this act. They shall take care that the terms of the contract be faithfully fulfilled, and that such person be properly treated; and it is hereby made their special duty to inquire into the treatment of every such child, and redress any grievance in manner prescribed by law. And it shall be the duty of the master or his assignee to whom any such child shall be bound to service, and he shall, by the

terms of the indenture, be required, as often as once in every six months, to report to the said board of directors the conduct and behavior of the said apprentice or child so bound to service, and whether such apprentice is still living under the care of the person to whom he was originally bound, and if not, where else he may be. § 24, ch. 123, 1856.

§ 389. The board of directors of the said corporation shall, on or before the second Monday of January, in each and every year, make a detailed report to the legislature of the state and the common council of the city of Buffalo, of the whole number of children received into the asylum during the year, specifying their name, sex, place of nativity, age, residence, health at the time of admission, state of education, religious instruction, whether their parents are living or dead, temperate or intemperate, the time devoted to instruction, the nature and amount of punishment, the cases of disease, the number apprenticed, or who shall have escaped, died or been restored to parents or guardians, or returned to the committing magistrates during the year, and also such information as they may have received of the conduct of those who have been bound out or apprenticed, as well as the facts generally in relation to the performance of their duties; also their industrial occupations, with their results; the receipts, expenditure, and financial condition of the corporation, and its general operations, with their results. § 25, ch. 123, 1856; as amended by § 6, ch. 759, 1857. Report to legislature

§ 390. It shall be the duty of the common council of the city of Buffalo, by committee or otherwise, in its discretion, to visit and inspect the said Buffalo juvenile asylum twice, at least, in each year. § 26, ch. 123, 1856. Common council to visit asylum.

§ 391. Whenever any child, properly chargeable upon the funds placed by law at the disposal of the commissioners of emigration, shall, agreeably to the provisions of this fact,^b be received, supported and instructed in the said Buffalo juvenile asylum, the said corporation shall be entitled to receive therefor from that fund, sixty dollars per annum, and proportionally for any fraction of a year for every such child so received, supported and instructed in said asylum; but in no case shall the sum so received exceed the lowest expense to the city and county of New York, of a child of the same age in any of the public institutions under the charge of the ten governors of the almshouse and prison department of the said city and county. § 29, ch. 123, 1856. Commissioners of emigration

^a §§ 27 and 28 of ch. 123, 1856, repealed by § 7, ch. 759, 1857. See ante, § 379.
^b So in the original.

Common
school
fund.

§ 392. The schools established and maintained by the Buffalo juvenile asylum shall participate in the distribution of the common school fund, in the same manner and degree as the common schools of the city of Buffalo. § 30, same ch.

Duty of
directors
when asy-
lum is
provided.

§ 393. Whenever the directors of the said corporation shall have provided an asylum, temporary or permanent, under the provisions of this act, and shall, at a regular or special meeting of said board, resolve and declare that the same is ready for the reception of children for the purposes in this act mentioned, and shall file a copy of such resolutions, duly certified by their secretary, in the office of the clerk of the city of Buffalo, the provisions of the act entitled "An act to provide for the care and instruction of idle and truant children," passed April twelfth, eighteen hundred and fifty-three, shall no longer apply to the said city of Buffalo, but all proceedings against idle and truant children therein shall thereafter be had and taken under and by virtue of the provisions of this act; and until the said resolution and declaration shall be so passed, and a copy thereof filed as aforesaid, no proceedings shall be had or commitments made under the provisions of the ninth section (sec. 371) of this act. § 31, same ch.

The chil-
dren's aid
and
reform
society.

§ 394. The board of managers of "The Children's Aid and Reform Society of the city of Buffalo," incorporated by filing a certificate dated on the third day of January last, and made under the act entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April twelfth, eighteen hundred and forty-eight, may, by resolution adopted at any meeting of such managers, merge the said incorporation in the corporation created by this act, and thereupon the said corporation shall cease, and the effects thereof vest in the corporation created by this act. § 32, same ch.

§ 395. This act, except as herein provided, shall take effect immediately. § 33, same ch.

Roman
Catholic
children,
when may
be com-
mitted &c.

§ 396. Such corporation ["The Society for the protection of destitute Roman Catholic children at the city of Buffalo"] may take, receive and hold, under its care and control:

1. Children under the age of fourteen years who, by consent in writing of their parents or guardians, may be intrusted to it for protection or reformation.

2. Children of Roman Catholic parentage, between seven and fourteen years of age, who may be committed from any county embraced in the eighth judicial district to the care of such corporation, as idle, truant, vicious, homeless or vagrant children, and those guilty of petit

larceny, by the order or judgment of any magistrate or police justice in said judicial district, empowered by law to make committal of children for any such cause. Sub. 2 of § 5 of ch. 364 of 1864; as amended by ch. 891 of 1868.

3. Children of the like parentage and age, who have been placed in the county poor-house of Erie county from the city of Buffalo, may be transferred at the option of the superintendents of the poor of the county of Erie, but no such transfer shall be made except upon an order in writing signed by all the superintendents. § 5, ch. 364 of 1864.

§ 397. The said corporation shall have power to place the children in its care and control at suitable employments, and cause them to be instructed in suitable branches of useful knowledge, and shall have power at discretion to bind out the said children with their consent, as apprentices or servants during minority, or any less period, to such persons, and at such places, to learn such proper trade and employments as shall be judged most conducive to the future benefit and advantage of such children, and any person to whom any such child may be bound shall execute a bond to the said corporation in a sufficient penal amount conditioned for the good treatment of such child, and to instruct, or cause to have him or her instructed, in reading, writing, and arithmetic, and said trade or employment, and to give such child, at the expiration of his or her apprenticeship, at least one suit of new clothes and not less than fifty dollars in money; and the said corporation may insert in the indentures of apprenticeship such conditions and agreements as the superintendents of the poor of the county of Erie, or any officer authorized by law to bind out children, are empowered or required to insert in like indentures. § 6, ch. 364, 1864.

Children may be bound out to service.

Bonds required.

Clothing and instruction of apprentices.

§ 398. Children intrusted to this corporation, by the voluntary act of their parents or guardians, shall be deemed to be in the lawful charge, control and custody of the said corporation, and such intrusting shall be evidenced by a writing executed by such parents or guardians, and in form substantially as follows, viz.:

Form of intrusting children to asylum.

"I, A. B., father (mother or guardian, as the case may be, of C. D., a boy (or girl), aged years, born in do hereby intrust to 'The Society for the protection of destitute Roman Catholic children at Buffalo,' for the period of years, the entire charge, management and control of the said C. D., and do hereby assign to and invest the said corporation with the same powers and control over the said C. D. as those of which I am possessed." § 7, ch. 364, 1864.

Power of magistrates to commit certain vagrant and neglected children to care of corporation.

§ 399. Whenever any child of Roman Catholic parentage above the age of seven years, and under the age of fourteen years, shall be brought by any constable or policeman before any magistrate or police justice, upon the allegation that such child was found in any way or street, highway, or public place, in circumstances of want and suffering, abandonment, exposure, neglect or beggary, or shall be arrested and brought before any such magistrate or police justice, by virtue of the provisions of the Revised Statutes relating to vagrants or disorderly persons, and it shall be proved to the satisfaction of the said magistrate or police justice, by competent testimony, that said child is embraced within the foregoing provisions of this section, or that said child is guilty of petit larceny; and it shall further appear to the satisfaction of said magistrate or police justice, by competent testimony, or by the examination of the child, that by reason of the neglect or vicious habits of the parents, or other lawful guardian of such child, that it is a proper object for the care of this corporation, such magistrate or police justice, instead of sending or committing such child to the jail, penitentiary, poor-house or almshouse, or to such other place, if any, as may have been provided by law, may in his discretion, by warrant or order in writing, under his hand, commit such child to this corporation, to remain under its care and control until therefrom discharged in the manner provided by law. Such order or commitment shall be by warrant under his hand, and in substance as specified in the section (sec. 399) hereby amended, commencing with the words "State of New York," thence to the end of said section. § 8 of ch. 364 of 1864; as amended by ch. 891 of 1868. ["STATE OF NEW YORK, County of _____, ss.: To any constable or policeman of the city (or town) of _____ of greeting:

Form of order of commitment.

"In the name of the people of the state of New York, you are hereby commanded to take charge of (A. B.), a child of Roman Catholic parentage, under the age of fourteen and over the age of seven years, and who has been proved to me to be a proper object for the care and control of the corporation created and known as 'The Society for the protection of destitute Roman Catholic children at Buffalo,' and to deliver the said child without delay to the said corporation, at its house of reception in Erie county, with this precept; and the superintendent thereof is commanded to receive the said child and keep him until discharged according to law; and for so doing this shall be your sufficient warrant. Given under my hand the _____ day of _____ eighteen hundred and _____."

Part of original § 8, ch. 364, 1864.]

§ 400. An order or warrant so made by any such magistrate or police justice shall be executed by any constable or policeman, to whom it shall be delivered by such magistrate or police justice, by conveying the child therein named to the house of reception, to be established by this corporation, and such child shall be detained in such house of reception until discharged or removed therefrom in the manner hereinafter provided. § 9, same ch.

How warrant shall be executed.

§ 401. Immediately upon the making of any such order or warrant, the magistrate or police justice making the same shall deliver to any constable or policeman a notice in writing signed by said magistrate or police justice, and addressed to the father of such child, if its father be living and resident within the city or town where the said child was found and arrested, and if not, then to its mother if she be living and so resident, and if there be no father or mother of such child, resident in the said city or town, then said notice shall be addressed to the lawful guardian of such child, if any, or to the person with whom, according to the examination of the child and testimony, if any, received by such magistrate or police justice, such child shall have resided, or to the superintendents of the poor of Erie county, in which notice the party to whom the same is addressed shall be informed of the commitment of such child to the house of reception of this corporation, and shall be notified that unless taken therefrom in the manner provided by law, within twenty days after the service of such notice, the child named will be committed to the asylum of this corporation. § 10, same ch.

Notice to parents or guardians.

§ 402. Such notice shall be served by the said constable or policeman, by delivering a copy thereof to the person to whom it shall have been addressed, personally, or by leaving it with some person of sufficient age, at his or her place of residence or business; and it shall be the duty of such constable or policeman, immediately on making such service, to return such notice to the magistrate or police justice issuing it, with his return thereon indorsed, of the time and place and manner of such service, and shall also immediately enter in a book to be provided for that purpose, and kept in the house of reception of said corporation, the fact of having served such notice, and the time, place and manner of such service; and the said return and record of such fact shall, in all cases, be prima facie evidence of the proper service of such notice. Whenever, after careful and diligent search and inquiry, the said constable or policeman to whom such notice was delivered for service, as above described, shall not have found either the father, mother, legal guardian or

Return of constable on notice.

person with whom, according to the examination of the child and testimony, if any, received by such magistrate or police justice, such child shall have resided, it shall be his duty to make return on said notice of that fact, and it shall be the duty of the superintendent of the house of reception of this corporation to cause notice in the following form, with the blanks properly filled up, to be posted in a conspicuous place in the police station-house, if any, nearest the alleged residence of the child, and in three other public places in the city or town of such residence, viz. :

NOTICE. — This is to certify that a child of Roman Catholic parentage, of about the age of years, hair, eyes, complexion, in height, and said to be of descent, was, on the day of 18 , committed by to the house of reception of the society for the protection of destitute Roman Catholic children at the city of Buffalo, and that, after careful search and inquiry made by , neither the parents, legal guardian nor person with whom said is alleged to have resided can be found.

Buffalo, 18 . Superintendent.

And the posting of said notice, as above required, shall be deemed as equivalent to having duly served it on the parents or guardian, or person with whom the child alleged he or she resided, in cases where they or either of them could be found. § 11, ch. 364, 1864.

How children may be recovered.

§ 403. If the party to whom any such notice shall have been addressed, or any other person, shall, within the time specified, prove to the satisfaction of the committing magistrate or police justice, that said child is not of Roman Catholic parentage, or that the circumstances of want and suffering, or other circumstances above described, under which such child shall have been found, have not been occasioned by the habitual neglect or misconduct of the parents or lawful guardian of such child, then it shall be the duty of such magistrate or police justice, by order in writing to the superintendent of the house of reception of the said corporation, to direct such superintendent to deliver such child to the custody of the party named in such order, who shall thereupon be entitled to take such child from said house of reception, and such superintendent shall deliver such child accordingly. § 12, ch. 364, 1864.

Final commitment.

§ 404. If such proof shall not be produced within the time above described, it shall be the duty of the magistrate or police justice by whom the child was committed to said house of reception, to make and transmit to the superintendent thereof a notice in writing to that effect; and thereupon the child named in such notice shall be

removed from such house of reception to the asylum of this corporation; whenever the parent, guardian or next of kin of any child of Roman Catholic parentage, between the ages of seven and fourteen years, about to be finally committed for any of the causes specified in any of the preceding sections of this act, shall request the said magistrate or police justice to commit such child to said corporation, it shall be the duty of such magistrate or police justice so to commit such child. § 13, same ch.

§ 415. If at any time after a child shall have been committed to said corporation, as above provided for in this act, it shall be made to appear to the satisfaction of the board of managers of said corporation, or a majority of them, that such child was not of Roman Catholic parentage, or was, on insufficient cause, false or deficient testimony, or otherwise, wrongfully or improvidently so committed, the said corporation shall, on the application of the parents, guardian or other protector of such child, or the superintendents of the poor, discharge the child from the said asylum, and restore it to such parents, guardian or protector; and also, if, after a child shall have been properly committed to the said corporation, by virtue and in pursuance of the provisions of this act, any circumstance should occur that, in the judgment of the board of managers of said corporation, or a majority of them, would render expedient and proper a discharge of such child from the said asylum, having due regard to the welfare of the child, said board of managers, or a majority of them, on the application of the parent, guardian or protector of such child, may, at discretion, discharge the child from the said asylum, and restore it to its parents, guardian or protector. § 14, same ch.

Restoration in case of improper commitments.

§ 416. Whenever any child of Roman Catholic parentage, intrusted or committed to the charge or control of said corporation, shall, by the commission of any infamous crime, or by confirmed evil habits, have become so degraded and debased, in the opinion of the board of managers of said corporation, as to be an improper subject for its care, the said corporation shall have power to return such child to the said committing magistrate or police justice, or other proper authority, to be disposed of in due course of law. § 15, ch. 364, 1864.

Treatment of vicious children.

§ 417. This corporation shall be the guardian of every child bound or held for service by virtue and in pursuance of the provisions of this act. It shall take care that the terms of the contract be faithfully fulfilled, and such child or children be properly treated, and it is hereby made its special duty to inquire into the treatment of every such child, and redress every grievance in such manner as is prescribed by law; and it shall be the duty

Corporation guardian of indentured children.

of the master or his legal representative to whom any such child shall be bound to service, and he shall by the terms of the indenture be required, as often as once in every six months, to report to the said corporation the conduct and behavior of the said apprentice or child so bound to service, and whether such apprentice is still living under the care of the person to whom he was originally bound, and if not, the reason therefor, and where else he or she may be. § 16, same ch.

Report to
be made
by the cor-
poration.

§ 408. The said corporation shall, on or before the fourth Monday of January in each and every year, make a detailed report to the legislature of the state and to the common council of the city of Buffalo, of the whole number of children received into the asylum during the year, specifying their names, sex, place of nativity, age, residence, health at the time of admission, religion of parents, state of education, religious instruction, whether their parents are living or dead, temperate or intemperate, the time devoted to instruction, the nature and amount of punishment, the cases of disease, the number apprenticed or who shall have escaped, died, or been restored to the parents or guardians, or returned to the committing magistrate or police justice during the year, and also such information as may have been received of those who have been bound out or apprenticed, as well as the facts generally in relation to the performance of their duties, also their industrial occupations, with the results thereof, the receipts, expenditures and financial condition of the corporation and its general operations with the results thereof. § 17, same ch.

Official
visits of in-
spection.

§ 409. It shall be the duty of the common council of the city of Buffalo, by committee or otherwise, in its discretion, to visit and inspect the said asylum of the said corporation once at least in each year, and the mayor and comptroller of the city of Buffalo, and the county judge of Erie county shall be ex officio managers of the said corporation. § 18, ch. 364, 1864.

Duty of
corpora-
tion as to
clothing,
food and
training of
children
Rate of
compensa-
tion there-
for.

§ 410. It shall be the duty of said corporation to give said children good, moral and mechanical training, sufficient and reasonable clothing, good, wholesome and healthy food; and this corporation is hereby authorized to charge for such care, food and clothing at a rate not exceeding one dollar per week for each child so committed to its care from the counties of Erie, Chautauque, Cattaraugus, Orleans, Niagara, Genesee, Allegany and Wyoming, which sum shall be paid by the county from which the child was committed, and shall be levied and collected in the county so charged, as other county taxes are levied and collected, and paid over by the treasurer of the county so charged to the treasurer of this corpora-

How paid.

tion. The institution and affairs of said corporation shall at all times be open to visit and inspection by the judges of the various courts in the sixth, seventh and eighth judicial districts. § 19, ch. 364, 1864; as amended by ch. 891 of 1868.

Corporation to be subject to visitation and inspection.

CHAP. XVI.

FRANKLIN COUNTY.

Section 411. Disorderly persons in Malone may be committed to custody of keeper of poor-house; keeper may keep such persons at work.

§ 411. Any magistrate in said village [of Malone] before whom any person shall be convicted of being a disorderly person, may, in the discretion of such magistrate, sentence such person to be committed to the custody of the keeper of the poor-house of the county of Franklin, for a period not exceeding three months, to be kept at hard labor by such keeper. The said keeper shall have power, and it shall be his duty, to receive all such persons into his custody at the said county poor-house, and to keep them in his custody during the period for which they shall be so sentenced, and he shall also have power, and it shall be his duty, to keep such persons at such labor, in the said poor-house, and upon the poor-house farm, as they shall be able to perform, and shall supply them with wholesome and substantial food, but may limit them to bread and water, or otherwise restrict their food, when necessary for discipline and to compel them to labor. § 3, ch. 225, 1861.

Disorderly persons in Malone.

CHAP. XVII.

FULTON COUNTY.

Section 412. Superintendent of poor to remove to poor-house such poor in the county of Hamilton for whose support Fulton county is liable.

412. Office of overseer abolished and duties conferred on supervisors.

414. Temporary relief for poor may be authorized.

415. Superintendent of poor appointed by board of supervisors.

416. Supervisors to designate persons to visit poor-house.

§ 412. The superintendent of the poor of the county of Fulton is hereby authorized to remove to the poor-house of the county of Fulton, all persons residing in the county of Hamilton who are poor persons, and for whose support

Poor of Fulton county, their removal.

the county of Fulton is liable; and when so removed, all such persons shall be subject to all provisions of law applicable to other poor persons in said county of Fulton. Ch. 724, 1867.

Office of
overseer
abolished.

§ 413. The office of overseer of the poor is abolished in the county of Fulton, and in all the towns thereof, and the powers and duties of such overseers are hereby conferred on the supervisors of the respective towns. § 1, ch. 497, 1855.

Tempo-
rary relief
may be
authorized

§ 414. The board of supervisors of said county shall have power to authorize the supervisor of each town in said county to have temporary relief in their respective towns, to an amount not exceeding twenty cents for each thousand dollars of the assessed valuation thereof, to be a county charge. All temporary relief granted exceeding the amount so authorized shall be a charge upon the town where the person relieved is a resident. In case of inability, absence or vacancy in the office of supervisor, the powers and duties conferred by this act shall be performed by the justice of the peace in such towns having the shortest time to serve; and every such supervisor or justice shall receive for the services aforesaid, one dollar and fifty cents per day while actually employed, or twenty-five cents for each order; but in no case to exceed one dollar and fifty cents for all orders granted in one day. § 2, ch. 497, 1855; as amended by ch. 181, 1859.

Term of
office of
superin-
tendent.

§ 415. No superintendent of the poor shall be elected in said county. At the annual meeting of the board of supervisors, in the fall of one thousand eight hundred and sixty-two, and every three years thereafter, one superintendent shall be appointed by said board, who shall hold his office for three years from the first day of April following, and shall reside at the poor-house in said county, and be the keeper thereof; said superintendent shall be subject to the direction of the board of supervisors. Whenever a vacancy occurs in the office of superintendent, the county judge, treasurer and clerk shall appoint until the next annual meeting of the board of supervisors. The present superintendent shall hold his office until the first of April next. § 3, ch. 497, 1855; as amended by ch. 181, 1859, and by ch. 118, 1862.

Condition
of poor-
house to
be inves-
tigated.

§ 416. The board of supervisors shall designate two persons, whose duty it shall be to visit the poor-house monthly, and examine into the condition of poor therein, and perform such other duties as the board shall prescribe and direct. Said visitors shall be appointed by ballot at the same time, and no ballot shall contain the name of more than one person, and the two persons having the greatest number of votes shall be declared appointed. § 4, ch. 497, 1855.

CHAP. XVIII.

GENESEE COUNTY.

SECTION 417. Superintendents of poor to be elected in Genesee county; county clerk to determine by lot term of office.

418. Superintendents to appoint a keeper of poor-house.

419. Inconsistent acts repealed.

420. County superintendent of poor, keeper of county poor-house and lunatic asylum; keeper subject to board of supervisors; may be removed by them for cause.

421. In relation to the support and custody of insane in Genesee county.

422. Insane person may be received into the asylum connected with county poor-house.

423. Insane persons committed by county judge are to be received in asylum.

424. Insane persons from Genesee county and other places may, subject to regulations of board of supervisors, be received in asylum.

425. Superintendents, in relation to contracts with asylum, may maintain actions.

426. When act to take effect.

427. Powers of supervisors of Genesee to revive distinctions between town and county poor.

428. In case of such revival the overseers may or may not, in their discretion, maintain town poor at the county poor-house.

§ 417. At the next annual election to be held in this state, there shall be elected in the county of Genesee three superintendents of the poor for said county; one of said superintendents shall hold his office for one year, one for two years and the other for three years from the first day of January next; and the clerk of said county shall, on the first day of January next, determine by lot which of said superintendents shall hold his office for one year, which for two and which for three years; and there shall be elected, at each annual election thereafter, one superintendent of the poor to hold his office for three years, to supply the place of the superintendent whose term of office will expire on the first day of January succeeding each election. § 1, ch. 102, 1862.

Genesee
county
superin-
tendents.

County
clerk to
determine
by lot

§ 418. It shall be the duty of the superintendents of the poor of the county of Genesee to appoint a keeper of the poor-house of said county, from time to time, as occasion may require. § 2, same ch.

Superin-
tendents
of poor to
appoint a
keeper of
poor-
house.

§ 419. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. § 3, same ch.

§ 420. It shall be hereafter lawful for the county superintendent of the poor for the county of Genesee, to

Powers
and duties
of super-

Intendent.
Modified
by ch. 102,
1862.
See ante,
§§ 417-419

Genesee
county
lunatic
asylum.

Insane
persons
may be re-
ceived in
asylum.

Commit-
ment to
county
insane
asylum.

May re-
ceive in-
sane per-
sons. See
ch. 161,
1863.

be keeper of the county poor-house and lunatic asylum thereunto attached, and the said keeper shall be at all times subject to such rules and regulations as the board of supervisors of said county shall from time to time direct; and it is further provided that a majority of said board of supervisors may suspend or remove, for cause, said keeper at their pleasure. § 1, ch. 22, 1860.

§ 421. The title of the act to amend chapter one hundred and one of the laws of eighteen hundred and sixty-two, entitled "An act in relation to the support and custody of indigent insane persons of the county of Genesee," passed April first, one thousand eight hundred and sixty-two, is hereby amended so that it shall read as follows: "An act in relation to the support and custody of insane persons in the county of Genesee." § 1, ch. 161, 1863.

§ 422. The superintendents of the poor of the county of Genesee are hereby authorized and empowered to take and receive into the lunatic asylum connected with the poor-house in said county, all indigent insane persons now confined in the state lunatic asylum of Utica, who have been admitted into said asylum by virtue of a certificate of the county judge of said county; also, all insane persons who have been removed to said asylum by order of said county judge, in pursuance of section thirty-two of the act to organize the state lunatic asylum and more effectually to provide for the care, maintenance and support of the insane, passed April seventh, eighteen hundred and forty-two, and the laws amending or modifying the same. § 1, ch. 101, 1862; as amended by § 2, ch. 161, 1863.

§ 423. Whenever the county judge of said county shall, after the passage of this act, make a certificate concerning any insane person in indigent circumstances, not a pauper, in pursuance of chapter twenty, title three, article two, part one of the Revised Statutes, or whenever such county judge shall make an order in pursuance of said chapter twenty, concerning any insane person in confinement, as provided in said chapter, such insane person shall be admitted into the insane asylum connected with said poor-house, mentioned in the first section of this act, there to remain at the expense of said county, until he or she shall be restored to soundness of mind, or discharged by the superintendents of the poor, or otherwise, in accordance with the provisions of said chapter twenty. § 3, ch. 161, 1863; modifying § 2, ch. 101, 1862.

§ 424. It shall be lawful for the superintendent of the poor and keeper of the poor-house in the county of Genesee, subject to such regulations as the board of supervisors of said county may from time to time adopt, to

receive insane persons from the said county and from any other place in this state, into the asylum connected with the poor house in said county, and provide for their maintenance, care, control and medical treatment at such asylum. § 1, ch. 298, 1860.

§ 425. The superintendent of the poor of said county of Genesee may maintain actions upon any contract, express or implied, heretofore or hereafter made, by the committee, relatives or friends of any insane person, to pay for the maintenance, care and medical treatment of such insane person at said asylum, and the money when collected, after defraying the costs and expenses of such collection, shall be used to pay the expenses of such asylum, or used toward the support of the poor in said county. § 2, same ch.

May maintain actions. See ch. 161, 1853.

§ 426. This act shall take effect immediately, and have the force of a public statute. § 3, same ch.

§ 427. The board of supervisors of the county of Genesee, at any annual meeting, or at any special meeting called for that purpose, may, by a vote of two-thirds of the supervisors of said county, determine to revive the distinction between county and town poor in said county, and thereafter each of the towns in said county shall maintain its own poor; and, upon their filing such determination, duly certified by the clerk of said board, with the county clerk, the said poor shall be maintained by the several towns to which they respectively belong. § 1, ch. 121, 1839.

Powers of supervisors of Genesee to revive distinction between town and county poor.

§ 428. If the board of supervisors in said county shall, in pursuance of the provisions of the first section of this act, determine to revive the distinction between town and county poor, it shall be in the discretion of the overseers of the poor in any town in said county to maintain the poor under their care in their respective towns, or at the county poor-house; and whenever the overseers of the poor of any town in said county shall determine to support the whole or a part of the poor of their town at the county poor-house, the superintendents thereof shall receive said poor, and said town shall be charged for their support at the same rate as is charged for the support of the county poor. § 2, ch. 121, 1839.

Overseers of poor may maintain them in their towns or in county poor-house.

CHAP. XIX.**GREENE COUNTY.**

SECTION 429. Supervisors of Greene county to divide and apportion certain excise moneys.

Greene
county
excise
moneys to
be divided
by super-
visors be-
tween the
towns.

§ 429. The supervisors of the county of Greene hereby authorized and empowered, at each annual session, to divide and apportion among each town of county, as they may deem right and just, all surplus ex moneys remaining in the treasury of said county, after deducting what is necessary for the support of the poor in said county, and also the ten per cent for the insane and inebriate asylum. § 1, ch. 176, 1861.

CHAP. XX.**HERKIMER COUNTY.**

SECTION 430. One overseer of poor to be elected annually in each town in the county of Herkimer, except the town of Little Falls.

- 431. Powers same as supervisors acting as overseers; 1 of such overseers.
- 432. Board of supervisors shall appropriate money for temporary relief of the poor.
- 433. Advances to be made by superintendent of the poor to each overseer.
- 434. Duty of overseer of poor to enter in a book names of persons relieved.
- 435. Compensation to be received by overseer, and how to be fixed.
- 436. Repeal of section 7.
- 437. Supervisor of town to act as overseer in certain cases.
- 438. Repeal of inconsistent provisions.
- 439. Duty of overseers of the poor.
- 440. Towns to grant temporary relief to the poor.
- 441. Supervisors to appoint superintendent of poor.
- 442. Superintendent of poor must reside in poor-house; compensation fixed by supervisors.
- 443. Duties of a superintendent.
- 444. Vacancy, how filled.
- 445. Superintendent, when may be removed by board of supervisors.
- 446. Superintendent and overseers to have power to administer oaths.
- 447. Committee to be appointed to visit poor-house; report to supervisor; compensation.
- 448. Accounts to be audited by board of supervisors.
- 449. Contracts to be made for medicine and medical services.

Secton 450. Conflicting statutes repealed.

451. Board of supervisors may determine to restore distinction between county and town poor.

452. Copy of resolution, in case of such determination, to be served upon town clerks.

453. Excise money to be applied to support of poor of town in which it is collected.

454. Supervisors to determine who are town and who county poor.

455. Chairman of board of supervisors, when to convene board to take action.

456. Little Falls, who to constitute board of alms.

457. Such board to have control of funds; two constitute a quorum.

458. Board of alms to rent or purchase grounds for almshouse.

459. Board to appoint overseer and treasurer, and to keep a record of all proceedings.

460. Duties of treasurer.

461. Board to purchase supplies and to contract for the same, &c.

462. Duties of overseer of alms.

463. Board of alms to audit all charges and report to board of supervisors, who shall apportion the expenses.

464. Board may audit for their own services one hundred dollars.

465. This act not to interfere in auditing poor accounts for the county.

§ 430. There shall hereafter be elected in each town in the county of Herkimer, except the town of Little Falls, at every annual town meeting held therein, by ballot, one overseer of the poor, and the person having the greatest number of ballots shall be declared elected as overseer of the poor for the said town for one year, who shall hold his office until his successor is duly elected and qualified. § 1, ch. 394, 1859; as amended by § 1, ch. 7, 1866.

Towns of Herkimer county, to elect overseers of the poor.

§ 431. The powers, duties and obligations of the said overseers shall be the same as now devolve upon the supervisors of said county acting as overseers of the poor, except as modified by this act, together with the following, to wit: Each overseer of the poor elected by virtue of this act shall, within ten days after his election, and before entering upon the duties of his office, file with the clerk of his town a bond to the people of the state, with at least two sufficient sureties, for double the amount of cash disbursements for the support of the poor in his town for the preceding year, and conditioned for the faithful discharge of his official duties, and a correct accounting for the moneys received and disbursed by him; which bond shall be approved by the supervisor of his town. § 2, ch. 394, 1859.

Powers and duties of.

Overseers' bond.

Board of supervisors to appropriate money, &c. Examine accounts of overseers.

§ 432. The board of supervisors of said county shall appropriate annually such sums as they shall deem to be necessary for the temporary relief of the poor in the several towns of said county, and shall examine the verified accounts of each overseer of the poor, and publish a report thereon, with the proceedings of their annual meeting, which report shall clearly set forth the disbursements made in each town for the benefit of the poor therein, during the year last past, and by whom made. § 3, same ch.

Advances to be made.

§ 433. The superintendent of the poor shall advance to each overseer, from the sums appropriated by the board of supervisors for the respective towns, such sums, and at such times, as the supervisor of the town interested may direct; provided, that not more than two-thirds of the whole amount appropriated to any one town shall be advanced during the six months succeeding the first of November in each year. § 4, same ch.

Duty of overseer of the poor.

§ 434. It shall be the duty of each overseer of the poor to enter in a book to be kept by him for that purpose, the name, age, sex, and country of birth of each person by him relieved, together with the items of expenditure for the relief of each person, and the cause of indigency in each case, as far as it can be ascertained; and such book shall be laid before the board of supervisors, at the commencement of their annual session, for examination. § 5, same ch.

Compensation to be fixed by town auditors.

§ 435. Each overseer shall receive an annual compensation, to be fixed in each and every year by the board of town auditors of the respective towns; but in no case in either of the said towns, except the town of German Flats, shall such annual compensation, to be fixed as aforesaid, exceed the sum of fifty dollars annually, but in the town of German Flats such annual compensation shall be fixed as aforesaid, and may exceed the sum of fifty dollars, but said compensation in said town of German Flats shall not exceed the sum of one hundred dollars annually, and the said board of auditors shall also direct how much of said salary shall be paid by the town and how much by the county, subject to the approval of the board of supervisors of said county. § 6, ch. 394, 1859; as amended by § 2, ch. 7, 1868.

Repeal.

§ 436. Section seven of said act [ch. 394, 1859] is hereby repealed. § 3, ch. 7, 1868.

Supervisor to act as overseer in certain cases.

§ 437. In case of inability to serve of any overseer, the supervisor of the town shall do and perform the duties of overseer of the poor, and be subject to the same obligations and penalties; and in case a vacancy shall occur in said office of overseer, the justices of the peace in the town where such vacancy may occur may appoint a suit-

able person to hold the office until another is elected and qualified. § 8, ch. 394, 1859; as amended by § 4, ch. 7, 1868.

§ 438. All provisions of law inconsistent with this act are hereby repealed. § 9, ch. 394, 1859. Repeal.

§ 439. The powers and duties of overseers of the poor, except as otherwise provided by this act, are hereby conferred upon the overseers of the poor of the respective towns in said county [Herkimer]; and the overseers of each town in said county shall exercise the powers and discharge the duties aforesaid, and shall be subject to all the liabilities and penalties that overseers of the poor are now by law subject to. § 1, ch. 29, 1850; as modified by ch. 394, 1859. Overseers of the poor in Herkimer.

§ 440. It shall be the duty of the overseers of the poor of the several towns in said county to grant all the temporary relief to the poor and indigent persons in their respective towns. § 2, ch. 29, 1850; as modified by ch. 394, 1859. Temporary relief.

§ 441. No superintendent of the poor shall hereafter be elected in the said county. At the annual meeting of the board of supervisors of the said county in the fall of eighteen hundred and fifty-two, and at each annual meeting of the said board thereafter, one superintendent of the poor shall be appointed by the said board, who shall hold his office for one year next after the thirty-first day of December following such appointment and until a successor shall be appointed; and every superintendent of the poor appointed in pursuance of this act shall exercise all the powers and discharge all the duties now by law exercised and discharged by the superintendents of the poor, except such powers and duties as are inconsistent with this act; and shall also be subject to the same liabilities and penalties that superintendents of the poor are now by law subject to. § 4, ch. 29, 1850. Supervisors to appoint superintendent of the poor.

§ 442. The superintendent of the poor appointed in the fall of eighteen hundred and fifty-two, and every superintendent of the poor thereafter appointed, shall reside at the poor-house, and be the keeper thereof; and shall receive such compensation for his services as shall be determined by the board of supervisors at any annual meeting; but the compensation to be paid to any superintendent of the poor, shall not be increased or diminished during the term for which he is appointed. § 5, same ch. Superintendent must reside at poor-house.

§ 443. The two superintendents of the poor in office, during the year eighteen hundred and fifty-one, and the superintendent of the poor in office during the year eighteen hundred and fifty-two, shall exercise all the powers, discharge all the duties, and be subject to all the liabilities and penalties, of the three superintendents of Compensation.
Duties of superintendents.

the poor, under the law as it has heretofore been, except as is otherwise provided by this act. § 6, same ch.

Vacancy. § 444. Whenever a vacancy shall occur in the office of superintendent of the poor of said county, the county judge, the county clerk and county treasurer shall appoint some person to fill such vacancy, who shall hold his office during the remainder of the term, and shall, before entering upon his duties, give a bond, such as is now required by law of superintendents of the poor, except that it shall be approved by the county judge, county clerk, and county treasurer. Said bond, with the approval aforesaid indorsed thereon, shall be filed in the office of the county clerk. § 7, same ch.

May be removed. § 445. Any superintendent of the poor in said county, for good and sufficient cause, other than political, may be removed from his office by the board of supervisors, at any regular meeting, whenever two-thirds of all the supervisors elected shall vote in favor of such removal; and every vacancy caused by such removal shall be filled, for the remainder of the term, by appointment by the board of supervisors. § 8, same ch.

Superintendents may administer oath. § 446. Every superintendent of the poor, as well as every overseer of the poor* in said county, shall have the power to administer an oath to any person applying for relief, as to any matters pertaining to or touching the application for relief. § 9, ch. 29, 1850; as modified by ch. 394, 1859.

Committee to visit poor-house. § 447. The board of supervisors of said county shall at their annual meeting in the fall of eighteen hundred and fifty-two, and at each annual meeting thereafter, appoint one person whose duty it shall be to visit the poor-house at least once in each month, and examine into the condition and usage of the poor, the management of the poor-house and farm, the books of the keeper and the doings of the keeper in general. He shall make a report of his doings at the annual or any special meeting of the board of supervisors, and shall receive as a compensation for his services the sum of two dollars per day. § 10, ch. 29, 1850.

His report and compensation.

Accounts. § 448. All the poor accounts in said county, for the year preceding the first day of November, eighteen hundred and fifty, including all accounts for temporary relief to poor or indigent persons, and all accounts for expenses at and connected with the poor-house, and all accounts for services of superintendents of the poor, and supervisors, under this act, &c., shall be audited by the said board as other county accounts are now by law audited;

How audited.

* The word "supervisor" erased; the words "overseer of the poor" substituted in place thereof.

and all the accounts aforesaid shall thereafter be audited by the said board at their annual meetings. § 11, same ch.

§ 449. The board of supervisors of said county shall have exclusive power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services for the poor at the poor-house, and in such towns as they may deem it advisable; and, when a contract is so made in any town with any physician or surgeon, the supervisor of said town shall employ no other physician or surgeon to attend the poor in said town, except in case of the absence, inability or refusal to perform of the physician or surgeon having the contract. If the said board fail to make the contracts aforesaid, or any of them, at any regular meeting, then the said contracts or any of them may be made at any other time, in such manner and on such terms as said board may direct.

Medicine and medical services.

§ 12, same ch.

§ 450. All statutes in any way conflicting with the provisions of this act are, and shall be, inoperative and ineffectual within the said county. § 13, same ch.

Repeal.

§ 451. The board of supervisors of the county of Herkimer, at any meeting when lawfully assembled in session, may determine to restore the distinction between county poor and town poor in the said county, and upon their filing such determination, duly certified by the clerk of said board, with the county clerk, the said poor shall be maintained and the expense thereof defrayed in the same manner as is now provided by law for the maintaining of the poor in those counties in which the distinction between county and town poor prevails. § 1, ch. 27, 1861.

Distinction between town and county poor in Herkimer county.

§ 452. If the said board of supervisors shall determine to restore the distinction between county and town poor, the clerk of the said board shall serve a copy of the resolution so passed upon the clerk of each town in the said county. § 2, same ch.

Resolution to be sent to each town.

§ 453. After such resolution shall have been passed and served the excise money collected in any town within said county, except ten per cent, as provided by the act entitled "An act for the relief of the New York State Inebriate Asylum, and for other purposes," and all penalties given by law to the overseers of the poor, when received, shall be applied to the use of the poor in the town in which such money and penalties shall be collected.

Excise money, how applied.

§ 3, same ch.

§ 454. The board of supervisors of the county shall have power to determine, at any time when duly convened in session, who are town and who are county poor in all cases when any question may arise in regard thereto.

Distinction between town and county poor.

§ 4, same ch.

Board of supervisors where to meet.

§ 455. The chairman of the said board of supervisors shall have power to convene the said board in session, at any time after the passage of this act, to take action in the premises; but each member shall have at least five days' previous notice of the time and place of the said meeting, which notice shall be served personally. § 5, same ch.

Little Falls board of alms.

§ 456. The supervisor of the town of Little Falls and the president of the village of Little Falls, together with a commissioner of alms, to be elected annually at the town meeting in the town of Little Falls, shall together constitute a board of alms for the town of Little Falls. No person shall be eligible as such commissioner for any two years in succession. § 1, ch. 4, 1862.

Control of the funds.

§ 457. The said board of alms shall have the control of the funds applicable to the relief of the poor in said town and the dispensation of the same. Two of said board shall constitute a quorum to do business, and in case of a vacancy in said board the other members may fill such vacancy by appointment until the same shall be filled by election or other legal appointment. § 2, same ch.

To rent or purchase grounds for almshouse.

§ 458. The board of alms for said town shall have power to procure, by rent, suitable ground and buildings for an almshouse, for a term not exceeding three years. It may also, when specially authorized by a vote of the electors at an annual town meeting, procure by purchase, in the name of the town, suitable ground and buildings for a town almshouse, at a cost not exceeding five thousand dollars. § 3, ch. 4, 1862.

To appoint an overseer.

§ 459. The board of alms of said town shall appoint an overseer of alms for said town, who shall hold his office during the pleasure of said board, and said board shall determine his compensation, which compensation shall not exceed three hundred dollars per annum. It

Also a treasurer.

shall also appoint a treasurer of the poor fund of said town, and take such security for the faithful performance of his duties, and to account for and pay over the funds intrusted to him, as they may deem adequate, and shall also determine his compensation, which shall not exceed thirty dollars per annum. The said board shall keep a record of all its proceedings, and shall adopt needful rules as to their own meetings, and as to the management and dispensation of the funds for the relief of the poor under their control, and for the government of the treasurer and overseer of alms. § 4, same ch.

The board to keep a record.

Duties of treasurer.

§ 460. All moneys appropriated to the relief of the poor of said town shall be paid over to the treasurer of the poor fund of said town, and all payments and disbursements shall be made by him in cash, upon the order of the overseer of alms, or such other person as the board

of alms may direct, and said treasurer shall not loan any moneys that may come into his hands, nor shall he use them for any other purpose than is provided for by this act. Any interest which shall accrue on said funds shall be credited to said town. § 5, same ch.

§ 461. The board may cause to be purchased all or any needful supplies for the relief of the poor, in such quantities as they may deem best, but not to exceed a supply for one year; and they may contract for such supplies, including medical and surgical services, to be delivered or rendered from time to time as the same may be required or called for; but such contracts shall not extend beyond thirty days after the annual town meeting next ensuing the time when such contracts shall be made. Said board may also furnish relief to the poor, chargeable to the county or to any other town, and receive compensation therefor. § 6, same ch.

Board to purchase supplies.

§ 462. The duties of the office of overseer of the poor of the town of Little Falls are hereby transferred to the overseer of alms of said town, to be administered under the direction of said board of alms, to take effect as soon as said board shall notify in writing the overseer of poor of said town that the overseer of alms has been appointed and is ready to enter upon his duties. The said overseer of alms shall, from that time, perform all the duties heretofore devolved upon the overseers of poor, subject, however, to the direction of the board of alms, and shall keep the vouchers, registers, accounts and charges required by law of overseers of poor. He shall report to the board as often as they may direct, and shall prepare, annually, a statement to be read at the annual town meeting, showing the names of all persons or families who have received relief, and the amount to each person or family. § 7, ch. 4, 1862.

Duties of overseer of alms.

§ 463. The board of alms shall audit and allow all charges and expenses incurred upon their direction, for the relief of the poor, including expenses and the compensation of officers, and shall report the same, through the supervisor, to the board of supervisors of the county, who shall thereupon apportion the same to the town and county respectively, in the ratio of the amount expended for the relief of the poor, chargeable to the town and county respectively, and shall cause the same to be inserted in the tax lists and raised as town and county charges. The board of alms shall audit and allow all charges and expenses incurred under their direction for the relief of the poor, chargeable to the town, including expenses and the compensation of officers, and shall report the same, through the supervisor, to the board of supervisors of the county, who shall, after auditing the

Board of alms to audit all claims and report to board of supervisors.

Remuner-
ation of
board.

Not to in-
terfere
with pow-
ers of su-
pervisors.

expenses chargeable to the county, apportion the ex-
penses so audited to the town and county respectively
and shall cause the same to be inserted in the tax lists
and received as town and county charges. § 8, same ch.

§ 464. The said board of alms may audit and allow
for their own services, a sum not exceeding one hundred
dollars per annum, to be apportioned among them as the
majority may direct, to be deemed expenses of administ-
ering the poor fund, and raised as provided in the last pr-
ceding section. § 9, same ch.

§ 465. Nothing contained in this act shall be so con-
strued as in any way to interfere with the powers of the
board of supervisors in relation to the auditing of the
poor accounts of the county. § 10, same ch.

CHAP. XXI.

JEFFERSON COUNTY.

SECTION 466. Only one overseer of the poor to be elected in each
town, and his powers and duties.

467. Supervisor and overseer to grant temporary relief;
superintendents of poor to advance certain money;
supervisor and overseer to keep books; overseer to
furnish supervisors copy of entries on first day of
November in each year; fees of overseer and super-
visor; overseer not to exceed five dollars to one
family without authority; salary of overseer of
poor of Watertown; shall have power to exceed five
dollars to one family; supervisors may restore dis-
tinction between town and county poor.

468. Repeal of chapter 573 of 1865.

469. Superintendent of poor to be appointed annually by
board of supervisors; his powers and duties.

470. Superintendent to reside at, and be keeper of, the
poor-house; his compensation.

471. Vacancies in office of superintendent, how to be filled.

472. Oaths may be administered by supervisor, superin-
tendent or overseer.

473. Superintendent to keep a book; when and to whom
to report.

474. Supervisors to appoint two persons to examine and
report condition of poor-house, &c.; term of office
of such appointees.

475. Poor accounts, how to be audited.

476. Supervisor to make contracts for medicine and medi-
cal and surgical service, &c.

477. Power of board of supervisors in relation to supplies
for poor-house.

478. Provisions of this act to apply to present overseer.

479. Statutes inoperative.

SECTION 480. To be one overseer of the poor in the city of Watertown.

481. How such overseer to be elected.

482. His powers and duties.

483. "The Watertown home for destitute, friendless and orphan children" to be designated as "The Jefferson County Orphan Asylum."

484. Chairman of board of supervisors and county judge to be *ex officio* trustees of such asylum.

485. Devises and bequests to such asylum.

§ 466. There shall hereafter be elected but one overseer of the poor in each town of the county of Jefferson, and the powers and duties of overseers of the poor are hereby conferred upon the supervisor and such overseer of the poor of the respective towns in the said county, except in the town of Watertown, where the overseer of the poor shall discharge all the duties of overseer of the poor conferred by this act, with the restrictions hereinafter provided; and the supervisor and overseer of the poor of the other towns in the said county shall exercise the powers and discharge the duties aforesaid, and shall be subject to all the liabilities and penalties that overseers of the poor are now by law subject to. § 1, ch. 242, 1852; as amended by § 1, ch. 195, 1866.

Only one overseer to be elected in each town of Jefferson county except Watertown.

§ 467. It shall be the duty of the supervisor and overseer of the poor in the several towns of the said county to grant all the temporary relief to the poor and indigent persons in their respective towns. The superintendent, or superintendents, of the poor shall, from time to time, advance to each supervisor such sum of money as he shall deem proper, to be expended by such supervisor and overseer of the poor for the relief of poor and indigent persons; but the moneys so advanced to and remaining in the hands of the supervisor shall not exceed in amount such sum as may be fixed for each town by the board of supervisors of the said county; and it shall be the duty of each supervisor, and the overseer of the poor, to enter in a book, to be kept by each of them for that purpose, the name, age and sex of every person by him relieved, together with an account of all sums of money expended, the items of expenditure in the relief of each poor or indigent person, and the cause of poverty or indigency in each case, so far as can be ascertained. It shall be the duty of the overseer of the poor to furnish to the supervisor of the town, a copy of all the entries in the book provided to be kept by such overseer, for the year ending on the first day of November in each year, during the week preceding the annual meeting of the board of supervisors; and it shall also be the duty of each supervisor to deliver such copy of all the entries furnished him by such

Duty of supervisor and overseer to grant temporary relief. Superintendents of poor not to advance moneys beyond certain amount.

Book to be kept by supervisor and overseer.

When and to whom overseer to furnish copy of entries in book.

Fees of
overseer
and super-
visor.

When
overseer
may ex-
ceed five
dollars for
each fami-
ly.

Salary of
overseer of
Water-
town. See
§§ 490-492.

Repeal of
ch. 573,
1865.

No super-
intendent
of poor to
be elected.
Supervi-
sors to ap-
point one.

overseer, and a copy of all the entries in the book aforesaid required to be kept by him, for the week ending on the first day of November of each year, to the clerk of the board of supervisors, on or before the first day of the annual meeting of the said board in each year, and report the same at the annual town meetings of their respective towns; and each supervisor and overseer of the poor, for all the services rendered in the discharge of their official duties, respectively as aforesaid, shall receive the same rate of compensation per day, while in actual service, as is now provided by law for such officers, respectively, while in the discharge of their services as town officers, or twenty-five cents for every order made in the discharge of their official duties respectively under this act; provided that they shall in no case receive more for all orders made or services rendered in one day than the per diem compensation above provided, and that in no case shall the amount charged by the supervisors and overseers of the poor, for official services in disbursing supplies, exceed eight per cent of the cost of such supplies. No overseers of the poor shall expend for the relief of any one poor person or family a sum exceeding five dollars, without first obtaining the written authority of the supervisor of the town, and in such case not exceeding the amount limited in such written authority. The overseer of the poor of the town of Watertown in said county shall, instead of a per diem compensation, or any allowance for drawing any order as hereinbefore provided, receive a salary of four hundred dollars per year; and the superintendent of the poor shall give written authority to such overseer of the poor to expend a sum exceeding five dollars for any one poor person or family, and all orders for medical or surgical services that may be necessary. The board of supervisors of said county may, by a vote of a majority of all the members elected, restore the distinction between town and county poor. § 2, ch. 242, 1852; as amended by § 2, ch. 195, 1866.

§ 468. Chapter five hundred and seventy-three of the laws of eighteen hundred and sixty-five is hereby repealed. § 3, ch. 195, 1866.

§ 469. No superintendent of the poor shall hereafter be elected in said county. At the annual meeting of the board of supervisors of the said county, in the fall of eighteen hundred and fifty-two, and at each annual meeting of said board thereafter, one superintendent of the poor shall be appointed by the said board, who shall hold his office during the pleasure of such board, and until a successor shall be appointed; and every superintendent of the poor appointed in pursuance of this act, together

the present superintendents of the poor of said county, until the expiration of their term of office, respectively, and thereafter the superintendent of the county so appointed shall exercise all the powers, and discharge all the duties, now by law exercised and discharged by the superintendents of the poor, except such powers and duties as are inconsistent with this act, and shall also be subject to the same liabilities and penalties that superintendents of the poor are now by law subject to; and the superintendent of the poor appointed in pursuance of this act, before he enters upon the duties of his office, within ten days after notice of his appointment, shall file to the board of supervisors of said county a bond in penal sum of ten thousand dollars, or such other sum as such board shall direct, with two or more sureties approved by such board, or, in case such board shall be in session, by the county judge, county treasurer, county clerk, or any two of them, conditioned that he shall faithfully execute and discharge the duties of his office, and shall pay, according to law, all moneys that come into his hands by virtue of his office, and render a just and true account thereof to the board of supervisors, at each annual meeting of such board, and at any special meeting of such board, when he shall be required to do so. Said bond, with the approval aforesaid thereon, shall be filed in the office of the county clerk. The term of office of the superintendent to be appointed on or before the first day of January, 1852, under this act, shall commence on the first day of January thereafter.

70. The superintendent of the poor appointed in pursuance of this act, on or before the first day of January, 1852, and the superintendent thereafter appointed, shall reside at the poor-house, and be the keeper thereof, and shall receive such a compensation for his services as shall be determined by the board of supervisors at any annual meeting; but the compensation to be paid to any superintendent of the poor so appointed shall not be increased or diminished during the term for which he is appointed.

Superintendent to reside at poor-house.

71. Whenever a vacancy shall occur in the office of the superintendent of the poor of said county, appointed in pursuance of this act, the county judge, county clerk and county treasurer, or any two of them, shall appoint some person to fill such vacancy, who shall hold his office until a successor shall be appointed in pursuance of this act, and shall, before entering upon the duties of his office, file to the board of supervisors of said county a bond, in such sum and with such sureties as is provided for by the third section (section 468) of this act, which bond shall be approved by

Vacancies.

the county judge, county clerk and county treasurer, or any two of them. Said bond, with the approval aforesaid thereon indorsed, with the order of his appointment to such office, shall be filed in the office of the county clerk; every superintendent appointed in pursuance of this section shall receive the same proportionate rate of compensation for his services as his immediate predecessor would have been entitled to receive. § 5, same ch.

Oaths may
be admin-
istered.

§ 472. Every superintendent of the poor, as well as every supervisor and overseer of the poor in said county, shall have power to administer an oath to any person applying for relief, as to any matters pertaining to, or touching the application for, relief. Willful false swearing, under this act, shall be deemed perjury. § 6, same ch.

Superin-
tendent to
keep a
book.

§ 473. It shall be the duty of the superintendent of the poor, appointed in pursuance of this act, to keep a book, in which shall be entered a correct and full statement and account of all purchases, contracts, sales and expenditures made, and all moneys received by him as such superintendent and keeper, the amount and value of the product of the farm, the name of every person to whom any draft on the county treasurer shall be given, or money paid by him, the amount of the same, for what the allowance or payment was made, and the price or sum allowed for the services or article for which such allowance or payment was made; which book, with the vouchers of such expenditures, shall be presented to the board of supervisors at each annual meeting thereof, with his report and account, and also at every special meeting of said board when required by such board. § 7, ch. 242, 1852.

Supervis-
ors at an-
nual meet-
ing to
appoint
two per-
sons to
visit poor-
house and
to report,
&c.

§ 474. The board of supervisors of said county shall, at their annual meeting in the fall of one thousand eight hundred and fifty-four, and at each annual meeting thereafter, appoint two persons, whose business it shall be to visit the poor-house once every two months, and not oftener unless ordered by said board, and examine into the condition and usage of the poor, the management of the poor-house and farm, the books of the keeper, and the doings of the keeper in general; they shall make a report in writing of their doings to the board of supervisors at each annual meeting thereof, and also when called upon so to do at any special meeting of said board, and shall each receive, as a compensation for their services, the sum of two dollars per day while in actual service; said persons shall be appointed by ballot at the same time, and no ballot shall contain the name of more than one person, and the two persons having the greatest number of votes shall be deemed appointed, and shall hold their office during the pleasure of the board, and until a suc-

cessor shall be appointed. The term of office of the person appointed pursuant to this section in the fall of one thousand eight hundred and fifty-four shall commence on the first day of January, one thousand eight hundred and fifty-five. § 8, same ch.

§ 475. All the poor accounts in said county for the year preceding the first day of January, eighteen hundred and fifty-two, including all accounts for temporary relief to poor or indigent persons, and all accounts for expenses at and connected with the poor-house, and all accounts for services of superintendents of the poor and supervisors and overseers of the poor under this act shall be audited by the board of supervisors as other county accounts are now by law audited; and all such accounts as aforesaid shall thereafter be audited in the same manner by said board at their annual meeting. § 9, ch. 242, 1852.

Poor accounts how audited.

§ 476. The board of supervisors of said county shall have power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services for the poor at the poor-house, and in such towns as such board may deem advisable. And the supervisors of the respective towns shall have power to make contracts with physicians and surgeons to furnish medicines and medical and surgical services for the poor and indigent persons that may be relieved in that town; provided, that in no case shall it exceed the tariff of prices that may be established by the board of supervisors. No overseer of the poor shall have power to grant medical or surgical relief for any poor or indigent person at the expense of the county, without the written order or authority of supervisors of the town; and in such case, not to an amount exceeding the sum limited in such written order or authority. § 10, ch. 242, 1852; as amended by § 3, ch. 122, 1858.

Board of supervisors to contract for medicines, &c.

§ 477. The board of supervisors of said county shall have power to direct, by resolution to be entered on its minutes, in relation to and in what manner the supplies for the poor-house or any portion of such supplies shall be purchased, obtained or contracted for by the superintendent or superintendents of the poor, and when any such direction shall be given by said board, the same shall be observed and carried out by said superintendent or superintendents. § 11, ch. 242, 1852.

Supplies for poor-house.

§ 478. The provisions contained in the preceding sections of this act relating to the overseer of the poor in each town in said county are, and shall be, applicable to the present overseers of the poor in the several towns in said county. § 12, same ch.

Provisions of this act to apply to present overseers.

Statutes
inopera-
tive.

§ 479. All statutes in any way conflicting with the provisions of this act are, and shall be, inoperative and ineffectual within the said county of Jefferson. § 13, same ch.

Overseer
of the poor
of Water-
town.

Officers
chosen by
general
ticket.

§ 480. The officers of the city [of Watertown] shall be as follows: * * * an overseer of the poor. Part of § 1, title 2, ch. 714, 1869, as amended by § 2, ch. 452, 1870.

§ 481. The officers to be elected by general ticket shall be the mayor, recorder, clerk, treasurer, street commissioner, assessors, justices of the peace, overseer of the poor, and two policemen. Part of § 2, same title,* as amended by § 3, ch. 452, 1870.

Overseer
of the poor
in Water-
town, his
powers.

§ 482. The overseer of the poor shall possess all the powers, and perform all the duties, within said city that are now possessed and performed by the overseer of the poor of the town of Watertown within the town of Watertown, and shall receive the same compensation therefor, payable in the same manner and from the same source. For all purposes of the support and maintenance of the poor, the said city shall be deemed one of the towns of Jefferson county. § 29, title 4, ch. 714, 1869.

Jefferson
county
orphan
asylum.

§ 483. The name and title of "The Watertown Home for Destitute, Friendless and Orphan Children," a benevolent association and incorporation located in Watertown, in the county of Jefferson, is hereby changed to "The Jefferson County Orphan Asylum," and said incorporation and association shall hereafter be known in all places as "The Jefferson County Orphan Asylum," and shall have the right to hold in fee, and manage, the property and affairs of said incorporation and association, by and under the name and style of "The Jefferson County Orphan Asylum," and under that name shall continue to be liable to, and held responsible for, all debts, demands, liabilities, claims and obligations against said incorporation and association, and shall possess, hold and enjoy all its rights, property and privileges. § 1, ch. 38, 1864.

Who to be
trustees
ex officio.

§ 484. The chairman of the board of supervisors of the county of Jefferson, for the time being, and county judge of the said county of Jefferson, shall be ex officio trustees of "The Jefferson County Orphan Asylum," in addition to the number now authorized to be elected. § same ch.

Legacies
and de-
vises to.

§ 485. All devises, bequests, legacies, gifts and conveyances at any time heretofore or hereafter made to or for the use and benefit of "The Watertown Home for Destitute, Friendless and Orphan Children," or so intended

* The overseer of the poor of the city of Watertown, within eight days of the notice of his election, is required to take, subscribe and file his official bond, and to execute and file his official bond, etc. See § 14, title 2, ch. 714, 1869. The term of office of such overseer is for one year. See § 14, same title.

all invest in and inure to the benefit of "The Jefferson county Orphan Asylum," in the same manner as if the same were made directly to or for the benefit of the said The Jefferson County Orphan Asylum." § 3, same ch.

CHAP. XXII.

KINGS COUNTY.

- SECTION 486.** Kings county divided into five districts, from each of which a superintendent of poor to be chosen.
- 487.** Bounds of districts.
- 488.** Superintendent from the fourth district, when elected and term of office.
- 489.** Superintendents from the third and fifth districts, when elected and term of office.
- 490.** Superintendents for the first and second districts, when elected and term of office.
- 491.** Five superintendents of poor to be elected in Kings county; county clerk to determine by lot term of service.
- 492.** Compensation of superintendents to be fixed by the board of supervisors.
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RELIEF OF THE POOR.

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510, 515. Book-keeper to keep account of work done, goods made and sold, and cost of keeping inmates report to superintendents.

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512, 517. To make reports; to account annually, &c.

518. Board of supervisors of Kings county to raise \$25 to build penitentiary.

519. To raise \$50,000 for building lunatic asylum.

520. Treasurer to borrow money on his bond.

521. Money, how paid.

522. Treasurer to borrow money to complete lunatic asylum.

523. Treasurer to borrow money to complete county hospital.

524. Money, how paid.

525. Treasurer to borrow \$35,000 to complete lunatic asylum, and to give his official bond or bonds for payment of the same.

526. Money, how paid.

527. Supervisors to determine amount of loan, &c.

528. Treasurer may borrow money to pay for addition to the lunatic asylum at Flatbush.

529. Money to pay amount borrowed, how to be raised.

530. County treasurer to borrow \$50,000 for the erection of hospital buildings on county farm in Flatbush.

531. Supervisors to levy tax to pay interest and principal.

532. Provisions respecting pauper lunatics admitted to the Kings county lunatic asylum; duty of superintendent of the poor.

533. Other poor persons chargeable to the county.

534. Bastardy bonds to be prosecuted.

535. Bonds of disorderly persons to be prosecuted.

536. Proceedings to compel support of wife and child or either.

537. Order thereon; bonds required of the persons proceeded against.

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539. Security for good behavior may be required.

540. Powers of Kings county superintendents under section 2, chapter 305, 1838.

541. Superintendents to keep on hand articles for temporary relief, and to employ agents.

542. Superintendents to make and ordain by-laws, which are to be valid when approved by board of supervisors.

543. Foreign paupers who have landed at New York within two years, duty of superintendents in respect thereto.

544. Duty of governors of almshouse of New York in respect thereto.

545. When corporation of New York not to be liable for support of certain foreign paupers.

SECTION 546. Evidence of indemnification.

- 547. Vagrants, who deemed, in Kings county.
- 548. When the duty of constable or other peace officer to conduct or convey vagrant before court for examination.
- 549. Magistrate may commit to poor-house or county jail.
- 550. Fines and imprisonment imposed upon those convicted of violating public decency by drunkenness.
- 551. Accused may demand jury trial.
- 552. Change of name of Brooklyn industrial school association.
- 553. Corporators; object, to establish and support industrial schools.
- 554. Affairs conducted by a board of nine female managers.
- 555. May purchase and hold real estate.
- 556. Powers of board of managers.
- 557. May bind out children surrendered to their care.
- 558. Who may act as guardian under certain circumstances.
- 559. Children may be relieved from obligation of service on account of cruelty.
- 560. Master required to pay into the treasury of the association certain moneys for the benefit of child; such money to be paid to child on reaching its majority.
- 561. Managers to be guardians to look after child's interest.
- 562. Act may be altered or repealed.
- 563. Creation of Inebriates' Home for Kings county.
- 564. Money to be paid by treasurer of board of excise; building to be erected.
- 565. Trustees may visit persons confined in jail or penitentiary; certain persons may be transferred to the care of managers of the Home.
- 566. Habitual drunkards committed to jail or penitentiary may be discharged after ten days.
- 567. Corporation may receive and retain inebriates.
- 568. Powers of corporation to establish and carry on branches of industry, &c.; justices of supreme court may commit to said inebriate home habitual drunkards.
- 569. Proceedings under which commitments shall be made.
- 570. Proceedings same as in title two, chapter five, part two of Revised Statutes relating to care and custody of lunatics, &c.
- 571. Commitment not to exceed one year, and order of, may be vacated on cause.
- 572. Commitments may be made to Home pending investigation by commission.
- 573. Cost of support to be paid out of estate.
- 574. Voluntary inmates to be kept separate from those committed, and the sexes to be kept separate.
- 575. Money for building not to be expended without sanction of certain officers; trustees to approve plans, contracts, &c.
- 576. President to make annual report to legislature.
- 577. Object of Brooklyn eye and ear hospital.
- 578. Object of the Church Charity Foundation, of Long Island, to provide for the indigent and destitute.

SECTION 579. The orphan asylum societies of the city of Brooklyn to participate in distribution of school moneys.

580. Schools to be under supervision of board of education.

581. Duty of joint board of aldermen and supervisors of the city of Brooklyn to levy and raise by tax annually certain sums for the support of certain dispensaries.

Kings county to be divided into districts for election of superintendents. § 486. The county of Kings, for the election of superintendents of the poor, is hereby divided into five districts, from each of which a superintendent of the poor shall hereafter be chosen by the electors of said county at large, who shall be at the time of his election, and continue during the term of his office, a resident of the district from which he is elected; and in case of his removal from such district, his office shall be deemed vacant. § 1 ch. 124, 1858.

Bounds of districts. § 487. The first district shall consist of the first, third, sixth, eighth, tenth and twelfth wards of the city of Brooklyn; the second district, of the second, fourth, fifth, seventh, ninth, eleventh and nineteenth wards of said city; the third district, of the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth ward of said city; the fourth district, of the towns of Flatbush, New Lots and Flatlands; and the fifth district, of the towns of New Utrecht and Gravesend. § 2, same ch.

Superintendent of poor to be elected in fourth district. § 488. At the general election in the year eighteen hundred and fifty-eight, a superintendent of the poor from the fourth district, shall be elected by the electors of said county at large, in place of James Voorhes (whose term of office expires on the first day of January, eighteen hundred and fifty-nine), who shall hold his office for three years, from said first day of January, eighteen hundred and fifty-nine, and his successor shall be elected in like manner every third year thereafter, and hold for a similar period. § 3, same ch.

Election in third and fifth districts. § 489. At the general election in the year eighteen hundred and fifty-nine, a superintendent of the poor, from the third district, shall be elected by the electors of said county at large, in place of Henry E. Ripley, and one for the fifth district, in place of Charles W. Church (whose respective terms of office expire on the first day of January, eighteen hundred and sixty), who shall hold their offices for three years from the said first day of January, eighteen hundred and sixty, and their successors shall be elected in like manner every third year thereafter, and shall hold for a similar period. § 4, same ch.

Ib: in first and second districts. § 490. At the general election in eighteen hundred and sixty, a superintendent of the poor, from the first district and also one from the second district, shall be elected by the electors of the said county at large, in place of Barnabas

H. Booth and John J. White (whose respective terms of office expire on the first day of January, eighteen hundred and sixty-one), who shall hold their offices three years from the said first day of January, eighteen hundred and sixty-one, and their successors shall be elected in like manner every third year thereafter, and hold for a similar period. § 5, ch. 124, 1858.

§ 491. The first and third sections of the act to authorize the election of county superintendents of the poor by the people, passed December sixteenth, eighteen hundred and forty-seven, so far as relates to the number of the superintendents of the poor and their term of office, is hereby amended so as to allow the election of five superintendents of the poor in the county of Kings, one of the said superintendents shall hold his office for one year, two for two years, and two for three years; and the clerk of the county shall, on the first day of January after such election, determine by lot which of said superintendents shall hold his office for one year, which for two, and which for three years; and there shall be elected hereafter, at each annual election, superintendents to supply the place of those whose terms of office will expire on the first day of January thereafter, provided that there shall be but one superintendent elected in those years in which the election is held to supply the place of the one superintendent whose term will expire on the first day of January thereafter. § 1, ch. 314, 1848.

Five superintendents may be elected in Kings county. This section is modified or superseded by ch. 124, 1858. See ante, § 486-490.

§ 492. The board of supervisors of the county of Kings shall hereafter, at their regular annual meetings, fix and determine the amount of compensation or salary to be paid to the several superintendents of the poor of said county during the terms of office of such superintendents respectively; such salaries shall be made payable quarterly, and the board of supervisors shall, at such meetings, fix and determine when and how such salaries shall be payable in accordance herewith. § 1, ch. 395, 1849.

Compensation of superintendents in Kings county to be fixed.

§ 493. The board of supervisors of Kings county are hereby authorized to increase the salary of superintendent of the poor for the eastern district, and direct the payment of the same, to a sum not exceeding two thousand dollars per annum, to commence from the first day of January, eighteen hundred and sixty-four. § 1, ch. 306, 1864.

Salaries of superintendents in Kings county.

§ 494. The board of supervisors of the county of Kings is hereby empowered and authorized to make the salary of the superintendent of the poor of the fourth district equal to the salary of the superintendent of the poor of the fifth district, and to make the salary of the superintendent of the poor of the second district equal to

10.

the salary of the superintendent of the poor of the first district. § 1, ch. 259, 1869.

Powers of
board of
supervis-
ors in
respect to
supplies,
&c.

§ 495. The board of supervisors of the county of Kings shall have power, and they are hereby authorized, at any meeting thereof lawfully assembled, to make such laws and regulations as they may deem necessary, and provide for enforcing the same, regulating the manner, whether by contract or otherwise, and how payments shall be made, in which the superintendents of the poor of said county shall purchase all such articles as may be necessary for the support and maintenance of the poor, and of all others, in any of the public institutions of said county, which now are or which may hereafter be placed under the charge of said superintendents, including the articles required for temporary relief. And in case said board direct the purchase of any of said articles by contract, or designate what notice shall be given, when, where, and in whose presence proposals shall be opened, and the amount of security to be given for the faithful performance of contracts. § 1, ch. 511, 1857.*

Storekeep-
er and
assistants.

Their du-
ties.

Salaries,
and how
paid.

To give
security.

To be fur-
nished
with cop-
ies of
contracts,
&c.

Oaths of
office.

Erection
of store-
house on
county
farm.

Term of
office of
store-
keeper.

§ 496. Said board of supervisors are hereby authorized to appoint a storekeeper, with such assistants as they may deem necessary, such assistants to hold their office during the pleasure of the board, in whose custody shall be placed all such articles as said board may direct to be purchased for the support and maintenance of the poor, and of all others in any of the public institutions of said county which now are or which hereafter may be placed under the charge of said superintendents of the poor. Said board may designate and prescribe the duties of said storekeeper and assistants, fix and pay their salaries as other county charges are paid, and require them to give such security as they may deem necessary for the faithful performance of their trust; and it shall be the duty of said superintendents, without delay, to furnish said storekeeper, for his guidance, with copies of all contracts and other evidences of purchase made by them or by their directions. Said storekeeper and his principal assistants, before entering upon the duties of their office, shall take and subscribe the constitutional oath of office, and file the same in the office of the clerk of said county. Said board of supervisors may also cause to be erected on the county farm, in the town of Flatbush, such buildings as they may deem necessary for a storehouse for the use of said storekeeper and assistants. The present storekeeper shall continue in office until the first day of January, one thousand eight hundred and seventy-three. Thereafter

* An act entitled "An act relating to the purchase of supplies for the support of the poor and other inmates of the public institutions of the county of Kings," passed April 15, 1857.

the term of office of such storekeeper shall be five years.
 § 2, ch. 511 of 1857; as amended by § 1, ch. 391, 1869.

§ 497. Said board of supervisors may authorize and direct the county treasurer, when there is no money in the treasury applicable to the support of the poor, or the taxes imposed for the same are not collected, to borrow, from time to time, temporarily, at a rate of interest not exceeding seven per cent per annum, and for periods not exceeding nine months, such sum or sums as may be necessary to meet such purchases and other expenses as they may designate, incurred for the support of the poor, to direct said county treasurer to give his official bond or bonds for the money so borrowed, the principal and interest of which to be paid out of the amount of taxes levied or applicable for said purpose; but no such borrowing shall, at any time, exceed such amount of taxes. § 3, ch. 511, 1857.

County treasurer may be directed to borrow money.

§ 498. No person shall be received and approved of as surety, under the provisions of this act, unless, in the first place, he swears that he is worth the amount of the penalty named in the bond to which he affixes his signature, over and above the amount of his debts and liabilities. It shall be the duty of the said superintendents of the poor forthwith, in their official name, to prosecute all contractors, and their sureties, who may violate the provisions of their contracts. § 4, same ch.

Sureties.

§ 499. No supervisor, superintendent of the poor, storekeeper and assistants, appointed in pursuance of the provisions of this act, keeper of the penitentiary, and deputy keepers, agents or others, appointed or employed by said superintendents of the poor, shall directly or indirectly be in any way interested in any contract or sale for supplies or materials furnished for any of the public institutions for the support of the poor in said county, or in any arrangement by means of which any pecuniary benefit shall result to himself from the furnishing of said supplies or materials. It shall be the duty of the aforesaid supervisors, superintendents of the poor, storekeeper and assistants, and keeper of the penitentiary, or any of them, who may have any knowledge or information of the violation of this provision, to report the same forthwith to the supervisors of said county; and any person who shall be found guilty of the violation of the provisions of this section shall be punished as for a misdemeanor. § 5, same ch.

Officers not to be interested in sale of supplies.

§ 500. The board of supervisors of said county shall have power to impeach, before the supreme court, any of the said superintendents of the poor, or any officer or agent connected with the almshouse department or penitentiary of said county, and the said court shall have power, at a general or special term, to remove any of said

Impeachment of superintendents, &c.

superintendents or other officers or agents hereinbefore referred to, for due cause shown, and to forbid their re-appointment. § 6, ch. 511, 1857.

Superintendents shall make no contract.

§ 501. The present superintendents of the poor of said county shall make no contracts for supplies for the public institutions under their charge, beyond the first day of August, one thousand eight hundred and fifty-seven, and from and after said first day of August, of moneys received by said superintendents or any one of them, in his or their official capacity, shall, within ten days after the receipt thereof, be paid over to the county treasurer of said county, who shall place the same to the credit of the funds provided for the support of the poor. And all payments made after said first day of August, for articles furnished, or services in any of the institutions under the charge of said superintendents, or for temporary relief, shall be made by said county treasurer on orders approved by a majority of said superintendents, and signed by their chairman and clerk. § 7, same ch.

Majority of board of supervisors.

§ 502. None of the powers prescribed in this act shall be exercised, except by a vote of a majority of all the members elected in said county to said board of supervisors. § 8, same ch.

Copies of resolutions.

§ 503. Every resolution, direction or law passed by said board of supervisors, in pursuance of the provisions of the first and third sections of this act (sections 495 and 497), and of so much of the second section (section 496) as relates to designating and prescribing the duties of the storekeeper and his assistants, shall be signed by the chairman and clerk of said board, and be recorded in the book of miscellaneous records of said county, and a copy served upon said superintendents of the poor, or one of them, before the same shall go into effect. § 9, same ch.

Repeal.

§ 504. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. § 10, same ch.

County treasurer may borrow money. May issue county bonds. Avails to be expended on work-house.

§ 505. The treasurer of the county of Kings is hereby authorized to borrow, on the credit of said county, a sum not exceeding seventy-five thousand dollars, and to issue bonds in such form as the said board may prescribe, for the payment of the same, with interest payable annually or semi-annually, as the said board may direct, the money so borrowed to be expended under direction of said board in the erection of a building or buildings for the care of the indigent poor of the said county, and for the employment of all persons in any of the county buildings on the county farm, who are receiving their support at the expense of the county, in a building to be known as "The Kings County Workhouse," under authority hereinafter granted to the superintendents to the poor-house of Kings county, in addition to the powers already possessed by

Such bonds shall be issued in the name of and under the seal of the county of Kings, and shall be signed by the chairman of the board of supervisors and the county clerk, and countersigned by the clerk of the board of supervisors. The said clerk shall keep a record showing the amount and rate of interest of said bonds respectively, with the time they may become due. § 1, ch. 509, 1869; and § 1, ch. 765, 1869.^b

Bonds,
how exe-
cuted.

Record
thereof

§ 6. The said board of supervisors shall cause to be levied and collected, and paid annually, such sums as shall be necessary to pay the interest on the money so borrowed, in such year or years as they may hereafter determine, such sum as shall be necessary to pay the principal of the money so borrowed, and the treasurer shall immediately pay the money so collected and paid to him toward the payment of the interest and principal of the money so borrowed. § 2, ch. 765, 1869; and § 2, ch. 509, 1869.

Board of
supervisors to levy
tax for
principal
and interest.

§ 7. The superintendents of the poor of the county of Kings are hereby authorized, in addition to the power possessed by them, to take charge of the Kings county almshouse when erected, and made over to them by the supervisors of the said county, which they are hereby authorized to do when the same is completed, and they are further empowered to employ, by contract or otherwise, all persons in the various county buildings, who are supported at the expense of the county, who can be so employed without injury to themselves. § 3, ch. 765, 1869.

Superintendents
of the poor
to have
charge of
work-
house.

May em-
ploy there-
in persons
supported
by county.

§ 8. And the said superintendents of the poor of the county of Kings are hereby directed to classify the paupers of said county, putting all persons able to work without injury to themselves in the workhouse, and retaining only the aged and infirm, and such persons as are unable to work without injury to themselves, in the almshouse of said county, and shall, upon the completion of the workhouse, immediately, by contract or otherwise, provide employment for all paupers, supported at the expense of said county, able to work without injury to themselves, or for the inmates of any of the county buildings on the farm, who are supported at the expense of the county, who may be able to work without injury to themselves. § 4, same ch.

Classifica-
tion of
paupers.

Aged and
infirm to
remain in
almshouse.

Employ-
ment of
others at
work.

§ 9. And the said superintendents are also empowered, with the almshouse committee, in all cases of the refusal of persons supported by the said county to work, to employ them as may be furnished them, where the

May pun-
ish per-
sons refus-
ing to
work.

^a Act to authorize the board of supervisors of Kings county to borrow money for the purpose of erecting an addition to the almshouse, and for the erection of a workhouse for said county. Passed May 3, 1869.

^b Act to authorize the board of supervisors of the county of Kings to borrow money for the purpose of erecting an addition to the almshouse, and for the erection of a workhouse for said county. Passed May 3, 1869.

same can be done without injury to themselves, to punish such persons, by feeding them on bread and water. § 4, ch. 509, 1869.

Book-
keeper to
keep ac-
count of
work
done,
goods
made, &c.

Cost of
keeping
inmates.

Purchase
of materi-
als for
manufac-
ture by
contract.

Delivery
and in-
spection
thereof.

Account
to board of
supervis-
ors.

Superin-
tendents
of poor
and alms-
house
commit-
tee to have
charge of

§ 510. The said superintendents of the poor of said county shall cause the book-keeper of said board to keep an accurate account of the amount and value of all materials furnished said workhouse, in proper form, and also a correct account and value of all goods made from said materials by the inmates of said workhouse, and also an account of the price received for the said goods made from the said workhouse, and to whom sold or delivered, and the time occupied in making said goods, and the number of inmates employed in making the same, and shall keep a debit and credit account of all work done by the inmates of said workhouse, with the number employed on said work, together with an account of the cost of keeping the inmates of said workhouse, and shall furnish the superintendents of the poor and board of supervisors, once in every six months, and whenever called upon, with an accurate account of the operations of said workhouse. § 5, ch. 765, 1869.

§ 511. The superintendents of the poor of the county of Kings are hereby directed and authorized to purchase materials for the manufacture, by the inmates of the Kings county workhouse, of all articles required by the inmates of the county buildings on the county farm, as can, in their judgment, be made with advantage to the county; said materials to be purchased by the superintendents of the poor by contract from the lowest bidder; said superintendents reserving to themselves the right to reject all bids not deemed by them to be advantageous to the county; proposals for said materials to be advertised for in three of the county papers, and the county treasurer is hereby directed to pay the bills for the same upon their being certified to by the superintendents; said materials, when purchased, to be delivered at the storehouse on the county farm, and be subject to inspection by the general storekeeper, as defined by law, in the same manner as other goods purchased by contract. § 6, same ch.

§ 512. The superintendents of the poor shall, once in each year, and whenever called upon, make a full and correct account of the work done in the workhouse, materials furnished, and all such information as may be required by said board of supervisors. § 7, same ch.

§ 513. The superintendents of the poor of the county of Kings are hereby authorized, *with the almshouse committee*, in addition to the power now possessed by them to take charge of the Kings county workhouse, when erected, and made over to them by the supervisors of the

county, which they are hereby directed to do when same is completed; and they are hereby further empowered to employ, by contract or otherwise, all persons in the various county buildings, who are supported at the expense of the county, who can be so employed without injury to themselves. § 3, ch. 509, 1869.*

work-house.

May employ therein persons supported by county.

14. And the said superintendents of the poor of the county of Kings, *with the almshouse committee*, are hereby directed to classify the paupers of said county, distinguishing all persons able to work without injury to themselves in the workhouse, and retaining only the aged and infirm, and such persons as are unable to work without injury to themselves, in the almshouse of said county; and they, *in conjunction with the almshouse committee and board of supervisors*, upon the completion of the workhouse, immediately, by contract or otherwise, procure employment for all paupers supported at the expense of the county, able to work without injury to themselves, inmates of any of the county buildings on the county who are supported at the expense of the county, may be able to work without injury to themselves. same ch.

Classification of paupers.

Age and infirm to remain in almshouse.

Employment of others at work.

15. The said superintendents of the poor of said county, *in connection with the almshouse committee of the county*, shall cause the book-keeper of said board to keep an accurate account of the amount and value of all materials furnished said workhouse, in proper form, and shall keep a correct account and value of all goods made from materials by the inmates of said workhouse, and also of the price received for the said goods made at the said workhouse, and to whom sold or delivered, the time occupied in making said goods, and the number of inmates employed in making the same, and shall keep a debit and credit account of all work done by inmates of said workhouse, with the number employed in said work, together with an account of the cost of employing the inmates of said workhouse, and shall furnish the superintendents of the poor *and the almshouse committee*, once in every six months, and whenever called upon, with an accurate account of the operations of said workhouse. § 6, ch. 509, 1869.

Book-keeper to keep account of work done and goods made, &c. Modified by ch. 765, 1869.

Cost of keeping inmates.

16. The superintendents of the poor, *with the committee on almshouse of the board of supervisors* of the county of Kings, are hereby directed and authorized to

Purchase of materials for manufacture by contract.

Section and the four succeeding sections, with the exception of the therein in italics, are in all respects similar to sections in ch. 765, and are evidently superseded by the last-mentioned sections. See ante 11.

* section superseded by § 4, ch. 765, 1869. See ante § 508.

* section superseded by § 5, ch. 765, 1869. See ante § 509.

* section superseded by § 6, ch. 765, 1869. See ante § 511.

Modified
by § 6, ch.
765, 1860.

purchase materials for the manufacture, by the inmates of the Kings county workhouse, of all articles required by the inmates of the county buildings on the county farm, as can in their judgment be made with advantage to the county; said materials to be purchased by the superintendents of the poor, *together with the almshouse committee*,^a by contract from the lowest bidder, said superintendents and *almshouse committee*^b reserving to themselves the right to reject all bids not deemed by them to be advantageous to the county, proposals for said materials to be advertised for in three of the county papers, and the county treasurer is hereby directed to pay the bills for the same, upon their being certified to by the superintendents and *the almshouse committee* said materials, when purchased, to be delivered at the storehouse on the county farm, and be subject to inspection by the general storekeeper, as defined by law, in the same manner as other goods purchased by contract. § 1, same ch.

Delivery
thereof at
store-
house on
farm.
Inspection
by store-
keeper.

Annual
account
to board
of super-
visors.
Modified
by § 7, ch.
765, 1860.

§ 517. The superintendents of the poor, *together with the almshouse committee of the board of supervisors*,^b shall once in each year, and whenever called upon, make a full and correct account of the work done in the workhouse, materials furnished, and all such information as may be required by said board of supervisors. § 8, same ch.

\$25,000
may be
raised for
peniten-
tiary.

§ 518. The board of supervisors of the county of Kings are hereby authorized to raise, by tax or loan, a sum not exceeding twenty-five thousand dollars; the money so raised shall be laid out and expended under the direction of the said board in the erection of a penitentiary. § 1, ch. 350, 1851.

\$50,000 for
lunatic
asylum.

§ 519. The said board of supervisors are hereby authorized to raise, by tax or loan, a sum not exceeding fifty thousand dollars; the money so raised shall be laid out and expended under the direction of the said board in the purchase of land, and the erection thereon of a lunatic asylum, or either of said objects, as may be deemed necessary. § 2, same ch.

Treasurer
to give
bond.

§ 520. The treasurer of the county of Kings is hereby authorized, under the directions of said board of supervisors, to borrow, on the credit of the county, the whole or such portion of said sums as the board may determine upon, and to give his official bond, or bonds, for the payment of the same, with interest annually. § 3, ch. 350, 1851.

Money.
how paid.

§ 521. The said board of supervisors shall cause to be levied, collected and paid annually, as county charges, a

^a This section superseded by § 6, ch. 765, 1860. See ante § 511.

^b This section is also superseded by § 7, ch. 765, 1860. See ante § 512.

such sums as shall be necessary to pay the annual interest of the money borrowed under this act, and shall in like manner cause to be levied, collected and paid, such sums as shall be necessary to re-imburse, as it becomes due, the principal so borrowed, in annual installments; and the number of installments, and when payable, shall be determined by the said board, when they shall give the first directions to the treasurer to borrow money under this act, and the treasurer shall immediately apply the money, so collected and paid in to him, toward the payment of the interest and principal of the money so borrowed.

§ 4. same ch.

§ 522. The treasurer of the county of Kings is hereby authorized, under the directions of the board of supervisors thereof, to borrow, on the credit of the county, a sum not exceeding fifty thousand dollars, and to give his official bond or bonds for the payment of the same, with interest annually; the money so borrowed to be laid out and expended under the direction of the said board of supervisors in the completion and furnishing the lunatic asylum on the county farm, in the town of Flatbush. § 1, ch. 255, 1853.

Treasurer
to borrow
money to
complete
asylum.

§ 523. The county treasurer of the said county is also hereby authorized to borrow, in like manner, a sum not exceeding ten thousand dollars, which money so borrowed shall be applied in the completion of the county hospital on the county farm, in the town of Flatbush. § 2, same ch.

Treasurer
to borrow
money to
complete
hospital.

§ 524. The said board of supervisors shall cause to be levied, collected and paid annually, as county charges are, such sums as may be necessary to pay the annual interest of the money so borrowed; and shall in like manner cause to be levied, collected and paid, such sums as shall be necessary to re-imburse, as it becomes due, the principal sum so borrowed, in annual installments; the number and times of payment of such installments shall be determined by the said board of supervisors when they shall give the first directions to the county treasurer to borrow money under this act, and the treasurer shall immediately apply the money so collected and paid to him to payment of the interest and principal of the money so borrowed.

Treasurer
to borrow
money to
pay interest.

§ 3. same ch.

§ 525. The treasurer of the county of Kings is hereby authorized, under the direction of the board of supervisors thereof, to borrow, on the credit of the county, a sum not exceeding the sum of thirty-five thousand dollars, and to give his official bond or bonds for the payment of the same, with interest annually; and none of said bonds shall be disposed of for less than the par value thereof; the money so borrowed to be laid out and expended under

\$35,000
may be
borrowed.

the direction of the said board of supervisors, in the completion of the lunatic asylum on the county farm, in the town of Flatbush. § 1, ch. 92, 1855.

Tax to be levied.

§ 526. The said board of supervisors shall cause to be levied, collected and paid annually, as county charges are, such sums as may be necessary to pay the annual interest on the money so borrowed, and shall in like manner cause to be levied, collected and paid such sums as shall be necessary to re-imburse, as it becomes due, the principal sum so borrowed, in annual installments; the number and times of payment of such installments shall be determined by the said board of supervisors when they shall give the first directions to the county treasurer to borrow money under this act, and the treasurer shall immediately apply the money so collected and paid to him toward the payment of the interest and principal of the money so borrowed. § 2, same ch.

Record of bonds.

§ 527. The resolution of said board of supervisors determining the amount of such loan, the number of installments, and when payable, shall be signed by the chairman and clerk of said board, and recorded in the office of the clerk of said county, in the "record book of county bonds." § 3, same ch.

Treasurer of Kings county may borrow money to be used in erecting addition.

§ 528. The treasurer of the county of Kings is hereby authorized, under the direction of the board of supervisors thereof, to borrow, on the credit of the county, a sum not exceeding fifty thousand dollars, and to give his official bond or bonds for the payment of the same, with interest, annually; the money so borrowed shall be laid out and expended, under the direction of the said board, in the erection of an addition to the lunatic asylum on the county farm, in the town of Flatbush. § 1, ch. 221, 1860.

Money to be raised to pay interest and principal.

§ 529. The said board of supervisors shall cause to be levied and collected, and paid, annually, such sums as may be necessary to pay the interest on the money so borrowed, and to pay the principal in annual installments as the same becomes due; the number and times of payment of said installments shall be determined by the said board of supervisors when they shall give the first directions to the county treasurer to borrow money under this act, and the treasurer shall immediately apply the money so collected and paid to him toward the payment of the interest and principal of the money so borrowed.* § 2, ch. 221, 1860.

* By ch. 546 of 1867, the supervisors of Kings county are authorized to borrow money to erect an addition to the lunatic asylum for said county, and said chapter provides the manner in which the principal and interest of the moneys is to be paid.



RELIEF OF THE POOR.

161

The treasurer of the county of Kings is hereby authorized, under the directions of the board of supervisors, to borrow, on the credit of the county, a sum not exceeding fifty thousand dollars, and to give his bonds for the payment of the same, with interest annually; the money so borrowed shall be laid out and expended under the direction of the said board of supervisors for the erection of hospitals, hospital buildings, on the farm in the town of Flatbush. § 1, ch. 278, 1852.

Amount to be borrowed not to exceed \$50,000.

The said board of supervisors shall cause to be collected and paid annually, as county charges are, a tax as shall be necessary to pay the annual interest on the money borrowed under this act, and shall, in like manner, cause to be levied, collected and paid such sums of money as may be necessary to reimburse, as it becomes due, the money so borrowed, in annual installments; the number and times of payment of such installments shall be determined by the said board of supervisors, when they give the first directions to the county treasurer to borrow money under this act, and the treasurer shall immediately apply the money so collected and paid in toward the payment of the principal and interest on the money so borrowed. § 2, same ch.

Supervisors may levy a tax annually to pay interest, &c.

If any lunatic patient, heretofore received and admitted into the lunatic asylum on the county farm in the county of Kings, as a pauper lunatic, or who may be received and admitted into the said asylum as a pauper lunatic, be entitled to or possessed of wages, a deposit or other personal property, or who, during his or her continuance in the said asylum, is entitled to or possessed of wages, money on deposit or other personal property, it shall be lawful for the superintendents of the poor of the said county to sue for, settle, sue for, recover and receive all such money on deposit, or other personal property, and receipt or recovery thereof, to give proper acquittances and sufficient discharges for the payment or discharge of the same; and, when so received or recovered, to appropriate and apply the same for and toward the expenses which have been incurred, or which may be incurred by the said superintendents of the poor, in the maintenance and support of such pauper lunatic, in such manner as they may deem proper. And it shall be the duty of the said superintendents of the poor to render an account of supervisors of the said county, at their meeting on account of all wages, money on deposit or other personal property, as aforesaid, by them received and expended, and for and on whose account so received and expended, or under their direction, during

Provision respecting lunatics in Kings Co.

the year preceding such annual meeting. § 8, ch. 174, 1844.

Poor and
impotent
persons.

§ 533. All the provisions contained in the preceding eighth section of this act (section 532), relative to pauper lunatics, shall also be applicable to any poor and impotent person chargeable, or becoming chargeable, to the said county of Kings; and the superintendents of the poor of the said county shall have and possess the same powers and remedies, as therein set forth and expressed, for the maintenance and support of every such poor and impotent person who may be under their charge. § 9, same ch.

Prosecu-
tion of
bastardy
bonds.

§ 534. All and every kind of bastardy bonds, hereafter given in any justice's court or court of sessions in the county of Kings, shall be prosecuted by the superintendents of the poor of said county in their corporate name. § 1, ch. 811, 1869.

Recogniz-
ances of
disorderly
persons.

§ 535. All bonds or recognizances given by any disorderly person in the said county shall be prosecuted by the said superintendents of the poor in their corporate name. § 2, same ch.

Proceed-
ings to
compel
support of
wife and
children.

§ 536. All persons who threaten to run away and leave their wives and children, or either of them, a burden on the public in the said county of Kings, against whom a warrant is issued upon a complaint made upon oath to any justice of the peace, shall be brought before said justice, and if it shall appear, by the confession of the offender or by competent testimony, that the person so charged is guilty, the said justice shall make an order in which he shall specify the sum of money to be paid weekly by said person for the support of the wife or children, or either. § 3, same ch.

Bonds
therefor.

§ 537. Such person shall, upon notice of such order, immediately pay the sum of money certified for the costs of apprehending him, and shall enter into a bond to the people of the state in such sum as such justice shall direct, with good and sufficient security to be approved by the said justice, that such person will pay weekly such sum for the support of his wife and children, or either, as has been ordered, to the said superintendents of the poor. § 4, same ch.

Persons
who have
abandon-
ed their
wives and
children
in Kings
county de-
clared to
be dis-
orderly
persons.

§ 538. All persons who may have actually abandoned their wives or children in the county of Kings, without adequate support, and in danger of becoming a burden upon the public, or who may neglect to provide for their wives and children, are hereby declared to be disorderly persons within the meaning of title fifth of chapter twentieth of the first part of the Revised Statutes, and may be proceeded against as such in the manner directed by the said title; and it shall be the duty of the magistrate before whom any such person may be brought for

tion to judge and determine from the facts and circumstances in the case, whether the conduct of any person amounts to such desertion or neglect to provide for his wife or children. § 6, ch. 174, 1844.

In all complaints before any magistrate in the county of Kings, for disorderly conduct, it shall be lawful for any magistrate, if, in his opinion, such disorderly conduct tends to a breach of the peace, to require the person against whom such may be proved, either by his own confession, or by competent testimony, to give good and sufficient surety or sureties for his or her good behavior for a term not exceeding twelve months; and the magistrate who may have required such surety or sureties may, in his discretion, at any time discharge the same. § 7, ch. 174, 1844.

Surety may be required for good behavior.

The superintendents of the poor of the said county of Kings, or any one or more of them, shall have and exercise exclusive authority, and it is hereby made lawful for them to do every act and thing now required to be done by the justices of the peace and overseers of the poor of the city of Brooklyn, and by the justices of the peace and overseers of the poor of the other towns of the county, in pursuance of the first title of the eighth chapter and first part of the Revised Statutes, in relation to the relief and support of indigent persons; and the fourth title of the eighth chapter and second part of the Revised Statutes, in relation to masters, apprentices and servants, and of any acts amendatory of the same, in the same manner as if they were justices of the peace and overseers of the poor. Provided that nothing herein contained shall be construed to authorize the superintendents of the poor to receive or take any special compensation for the services by them performed under this act, but that such services shall be and taken as part of their general duties. § 2, ch. 1838.

Power of superintendents in Kings county. See ante, §§ 495-504.

It shall be lawful for the superintendents of the poor of the said county, from time to time, to purchase and receive in anticipation, and to keep on hand, such goods and things as they may deem advisable for the purpose of enabling them to grant temporary relief to persons who may apply for the same, and who are lawfully entitled thereto; and to employ one or more persons as agents under them, if necessary, to render and apply such relief in a due and prudent manner, subject to such restrictions and regulations as the said superintendents of the poor shall or may prescribe. § 3, ch. 1838.

Articles may be purchased. See ante, §§ 495-504.

The superintendents of the poor of said county shall be authorized to make and ordain such rules and regulations as may be necessary for the better management of the poor-house, and for the better relief of the poor. § 4, ch. 1838.

Rules and by-laws.

See ante,
§§ 495-504.

Examina-
tion rela-
tive to
paupers
suspected
to be for-
eigners.

Duty of
commis-
sioners of
almshouse of
New York.

Corpora-
tion of
New York

by-laws as they may think necessary for the purpose regulating and carrying into effect the powers granted them under the provisions of this act; but such rules and by-laws shall not be valid unless sanctioned by the board of supervisors of the county of Kings, and entered large on the minutes of the said board. § 4, same ch.

§ 543. If any pauper shall hereafter be sent to the poor-house of the county of Kings, and any one of the superintendents of the poor in the said county shall suspect such pauper to be a foreigner, and to have been within the next preceding two years brought from some foreign port, and originally landed in the city of New York, such superintendent shall notify the other superintendents of the said county, who, or a majority of them, shall inquire into the facts, and if they are of opinion that such pauper is a foreigner, and that he on his original importation was landed in the city of New York within two years next preceding as aforesaid, such superintendents, or any of them, may at any time thereafter give notice thereof in writing to the commissioners of the almshouse and bridewell of the city of New York or any of them, which notice shall set forth the name and age of such pauper, and the time when such pauper was landed in the port of New York, as near as may be, with the name of the vessel in which such pauper arrived, and containing a request to the said commissioners to provide for the relief and support of such pauper. § 1, ch. 257, 1842.*

§ 544. The said commissioners of the almshouse and bridewell of the city of New York may, at any time after receiving such notice, cause the said pauper to be brought to the said city and there provide for his or her support and until the said commissioners shall take charge of the support of such pauper the said superintendents, or their agents, shall provide for his or her relief and support in cases of county paupers; and the mayor, aldermen and commonalty of the said city of New York shall pay to the said county of Kings a fair and reasonable compensation for the maintenance and support of such paupers, and such child or children of such paupers as may have been born subsequent to his or her importation, from the time of the service of such notice until the expiration of two years from and after the importation of such pauper. § ch. 275, 1842.

§ 545. The mayor, aldermen and commonalty of the city of New York shall in no case be liable for the support

* The management of the almshouse in the city of New York is now vested in the board of commissioners of charities and correction. This notice must therefore now be given to them, or any one of them. See New York county, post.

any pauper, as provided in the preceding section (section 544) of this act, unless the said mayor, aldermen and commonalty shall have been indemnified for the support of such pauper according to the act entitled "An act to reduce several laws relating particularly to the city of New York into one act," passed April nine, eighteen hundred and thirteen, or unless the said mayor, aldermen and commonalty shall have compounded for the support of such pauper. § 3, same ch.

not liable
to support
certain
paupers.

6. If any such pauper shall have been reported, in writing, to the said mayor or recorder of the said city, by the master or commander of any vessel, according to the provisions of the two hundred and fifty-first section of the above-mentioned act, such report shall, in all cases, be conclusive evidence that the said mayor, aldermen and commonalty have been indemnified or have compounded for the support of such pauper, as mentioned in the third section (section 545) of this act. § 4, same ch.

Evidence
of indem-
nification.

7. All persons, who, being habitual drunkards, are without visible means of support, or who, being such habitual drunkards, and being of sufficient age to support their families, shall abandon, neglect or refuse to aid in the support of their families; all persons who shall have contracted an infectious or other disease in the practice of drunkenness or debauchery, refusing charitable aid to restore them to health; all persons wandering abroad, lodging in watch-houses, out-houses, market-places, sheds, stables, or uninhabited places, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place to place in the streets, highways, passages or other public places to beg or receive alms, within the said city, shall be deemed vagrants. § 1, ch. 174, 1844.

Persons
deemed
vagrants
in Kings
county.

8. It shall be the duty of every constable or other peace officer, whenever required by any person, to carry, or conduct such vagrant before a justice of the peace of the said county (Kings), or before one of the justices of the municipal court of the city of Brooklyn, for the purpose of examination. § 2, same ch.

Duty of
constable
or other
peace offi-
cer.

9. If such magistrate be satisfied, by the confession of the offender, or competent testimony, that such person is a vagrant, within the description aforesaid, he shall cause to be filed in the office of the clerk of the said court, a record of conviction thereof, which shall be filed, by warrant, under his hand, commit such person, if not a notorious offender, and a proper object for relief, to the poor house of the said county for a term not exceeding six months, there to be kept at labor; or if the offender be an improper person to

Persons
may be
commit-
ted to poor
house.

be sent to the poor-house, then such person shall be committed for the like time to the county jail, or to the penitentiary of the said county on the county farm. § 3, ch. 174, 1844.

Or county jail.

§ 550. Any person who, by drunkenness, shall violate public decency, may be convicted of such offense by any magistrate upon competent testimony, and fined for such offense any sum not exceeding five dollars, and in default of payment of such fine may be committed to prison by such magistrate until the same be paid; but such imprisonment shall not exceed five days. § 4, same ch.

Persons violating public decency.

§ 551. It shall and may be lawful for any person who may be complained of for the offense in the last section specified, before such magistrate shall proceed in the investigation of the merits, to demand of such magistrate that he may be tried by a jury. Upon such demand it shall be the duty of such magistrate to issue a venire to any constable of the said county, or to any marshal of the city where the offense is to be tried, commanding such officer to summon the same number of jurors, and in the same manner, as is provided for summoning of jurors before courts of special sessions. The said magistrate shall proceed to impanel a jury for the trial of said offense in the same manner, and be subject to all the rules and regulations prescribed in the act providing for trials by jury in courts of special sessions. All costs consequent on a trial by such jury shall be added to such fine and paid by the party offending in case of conviction. § 5, same ch.

May demand to be tried by a jury.

§ 552. From and after the passage of this act, the association heretofore known as "The Brooklyn Industrial School Association," may take and shall be known by the name of "The Brooklyn Industrial School Association and Home for Destitute Children," and shall continue to enjoy all the rights, and shall be subject to all the obligations, of said association, as fully as though the name thereof had not been changed. § 1, ch. 588, 1857.

Brooklyn Industrial School.

§ 553. Elizabeth L. Howe, Susan C. Smith, Anna L. Clapp, Elizabeth W. Shipman, Susan M. Smalley, Eliza Sharpe, Susan F. Hough, Martha B. Cutting and Mary P. Hale, and all such persons as are now members of the association called "The Brooklyn Industrial School Association," and all who shall become members of the corporation hereby created, shall be and are hereby constituted a body corporate, by the name of "The Brooklyn Indus-

Corporators.

By chapter 472, 1870, "The Society for the Aid of Friendless Women and Children" was incorporated, and by section three of said chapter it is provided that affairs, etc., of said society shall be managed by a board of managers to be chosen from the different churches and religious denominations in the city of Brooklyn, and the persons named in the first section of said chapter shall constitute the first board.

11

167

ool Association and Home for Destitute Chil-
hose object and business shall be to establish and
industrial schools, and to establish and maintain
for destitute children in the city of Brooklyn.
\$8 1857.

The affairs of the corporation shall be conducted by a board of female managers consisting of nine, to be chosen from the different religious denominations in the city of Brooklyn, who shall manage the business of the corporation in a manner prescribed by the constitution and laws of "The Brooklyn Industrial School Association," as the same now exist, or as the same shall be amended or altered by the corporate body hereby constituted; and such managers shall be elected annually, and their term of office shall be in accordance with the laws of the city; and such managers shall be elected annually, and their term of office shall be in accordance with the laws of the city; and such managers shall be elected annually, and their term of office shall be in accordance with the laws of the city.

Said corporation shall have power to purchase real estate sufficient for the actual occupation necessary uses of the corporation, and receive, by gift or purchase, in the same manner, and subject to the same laws, as provided in the general law for the incorporation of benevolent and charitable associations, and to convey such real estate; and shall be deemed vested with the rights, and be subject to the liabilities of corporations, according to the provisions of title chapter eighteen, part first of the Revised Statutes, insofar as the same may be applicable: provided, that the annual income of any real estate belonging to the said corporation shall not exceed the sum of one thousand dollars. § 4, same ch.

The board of managers shall have power to appoint and such other assistants as they may deem fit in conducting the domestic and internal concerns of their industrial schools and home for destitute children; to make any by-laws and regulations for the government of their own proceedings and those of the children so appointed, and of other inmates of their schools; to govern the children under their care and prepare the course of instruction and management, to the same extent and with the same rights as exist in the case of guardians. § 5, same ch.

In all cases where a child shall have been sur-
by its natural or other legal guardian to the care
agement of this association, by any instrument
ation in writing, it shall be lawful for the said
managers, at their discretion, to place such child
ion, or at service, in some suitable employment,
some proper person or persons, conformable to
of this state, in regard to the binding out of

Duties of
managers.

Indent-
ures and
binding
out.

indigent children, provided that in all such cases the terms of the indenture shall be approved by the mayor of the city of Brooklyn, or the surrogate of the county of Kings, which approval shall be signified on such indenture by the signature of such mayor or surrogate; but in every such case the requisite provisions shall be inserted in the indenture or contract of binding, to secure the child so bound such treatment, education or instruction as shall be suitable and useful to its situation and circumstances in life. § 6, ch. 588, 1857.

Guardians § 558. In case of the death, or legal incapacity of a father, or of his imprisonment for crime, or of his abandoning and neglecting to provide for his family, the mother shall be deemed the legal guardian of her children, for the purpose of making such surrender as aforesaid; and if in any such case the mother be also dead, or legally incapable of acting, or imprisoned for crime, or shall have abandoned or neglected to provide for her child or children, the mayor of the city of Brooklyn, or the surrogate of the county of Kings, shall be, by virtue of his office, the legal guardian for the like purpose; and so in all cases when it cannot, by diligent inquiry, be ascertained that there is within this state any parent or other person legally authorized to act in the premises, said mayor or surrogate shall be, ex officio, such guardian for the same purpose, and in either case, whether such surrender be made by the mother, or by the mayor or surrogate aforesaid, and whether before or after admission into said home, it shall be deemed a legal surrender for the purposes and within the true intent and meaning of the sixth section of this act; but no surrender by a mother, as provided by this section, shall be valid without the consent of the mayor or surrogate aforesaid. § 7, same ch.

Cruelty to children. § 559. If any party to whom the said association shall have intrusted a child shall be guilty of any cruelty, misusage, refusal or neglect to furnish necessary provisions or clothing, or any other violation of the terms of indenture or contract toward any such child so indentured, such child may make complaint thereof to the board of managers of this association, or to any justice of the peace of the county in which such child is so indentured, or to the mayor, recorder or aldermen of any city in which such child is bound to service, or to any such officer, who shall summon the parties before him, and examine into, hear and determine the said complaint; and if upon such examination the said complaint shall appear well founded, such officer shall, by certificate under his hand, discharge such child from his or her obligation of service, and restore him or her to the charge and management of this

association, in the same manner and with like powers as before the indenture of such child. § 8, ch. 588, 1857.

§ 560. Where children are indentured, the guardian may be required, after said children shall have attained the age of twelve years, to place annually, in the treasury of the Brooklyn industrial school association, and home for destitute children, the sum of ten dollars, which shall be the legal property of such children. If a girl, the aggregate, making sixty dollars, shall be paid to her when she has attained the age of eighteen years; and if a boy, the annual payment, making ninety dollars, shall be paid to him when twenty-one years of age; these respective sums shall be duly credited to said children upon the books of the association, and receipts of the respective payments placed in the hands of the guardian for safe keeping. § 9, same ch.

Deposits
for chil-
dren.

§ 561. The board of managers of this association shall be the guardians of every child indentured by virtue and in pursuance of the provisions of this act. They shall take care that the terms of the contract be faithfully fulfilled, and that such ward be properly treated; and it is hereby made their special duty to inquire into the treatment of every such child, and redress any grievance in manner prescribed by law; and it shall be the duty of the guardian to whom any such child shall be indentured, and he shall, by the terms of the indentures, be required, as often as once in six months,* to report to the said board of managers the conduct and behavior of the said apprentice, and any thing of special interest pertaining to his welfare. § 10, same ch.

Managers
to be guar-
dians.

§ 562. The legislature may at any time alter or repeal this act. § 11, same ch.

§ 563. The corporation hereby created (The Inebriates' Home for Kings county) shall have all the powers and be subject to all the restrictions conferred and provided by the act entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April twelfth, eighteen hundred and forty-eight, and the several acts amendatory thereof, except so far as the same are modified by this act. Part of § 1, ch. 843, 1867.

Kings
county
Inebriates
Home.

§ 564. The treasurer of the board of excise of the metropolitan police district of the state of New York shall pay to the treasurer of the said inebriates' home the sum of two hundred thousand dollars of the first moneys hereafter received by said board of excise for licenses

Appropri-
ation out
of excise
moneys.

* By chapter 431 of 1870 the charter of the "Industrial School Association of Brooklyn, eastern district," is amended, and § 6 10 of such chapter are amended similar to the provisions of sections 6 10 of chapter 588, 1857, with the exception, that § 10 of said ch. 431 requires the report therein mentioned to be made as often as once in each year, instead of once in six months.

• Annual appropriations.

Justices of the peace and police justices to render quarterly statement to treasurer of "Home."

Power of trustees to visit persons confined in jail for intoxication &c.

granted under said excise law to persons carrying on business in the county of Kings, which amount is hereby appropriated to said home, to be applied to the erection and furnishing suitable buildings for the same, and improving the grounds belonging thereto, and no other purpose. After the payment to said home of the sum of two hundred thousand dollars the treasurer of said board of excise shall pay annually, thereafter, to the treasurer of said home the sum of ten thousand dollars out of the excise moneys, as aforesaid, to be applied to the maintenance of the same and for no other purpose. All fines hereafter collected for violations of said excise law, in the county of Kings, shall be paid to the treasurer of said home in the manner hereinafter stated. The justices of the peace of the city of Brooklyn, and police justices in the towns in Kings county, are hereby required to pay to the treasurer of said home, quarterly, all moneys received by them for violations of any of the provisions of this act. Such payment shall be accompanied by a detailed statement showing the separate amounts received by them, from whom received, the date when received, and the residence of the party, so far as the same can be ascertained by his examination, and that of the officer making the arrest, which statement shall be verified by the oath of the justice. Any person failing to comply with the provisions of this act shall be guilty of a misdemeanor. § 4, ch. 843, 1867; as amended by ch. 483, 1868.

§ 565. The said trustees shall have power to visit the persons confined in the jail or penitentiary of Kings county for intoxication or habitual drunkenness, as often and at such times as they may deem advisable; and may determine from time to time who of the persons so confined in said institutions are fit and proper subjects to be transferred to said inebriates' home. Whenever said trustees shall determine, pursuant to their by-laws, that any such person is a fit and proper subject to be so transferred, the president of said inebriates' home shall make out and sign a certificate stating the fact that said trustees have determined that such person is a fit and proper person to be so transferred, and directing the keeper of said jail or penitentiary to deliver such person to the keeper of said home, which certificate shall be filed with such keeper. Upon receiving such certificate the keeper shall forthwith transfer such person to said home, there to be detained pursuant to the second* section (section 567) of this act. § 5, ch. 843, 1867.

* The printed session laws has the word "first" instead of "second."

§ 566. For the purpose of carrying out the object of said inebriates' home, the magistrates in Kings county shall hereafter commit persons convicted for intoxication, or as habitual drunkards, to the jail or penitentiary for a period not exceeding six months; in case of the commitment of such persons, and the persons so committed for intoxication, unless transferred as hereinbefore provided, shall be discharged by the keeper of the jail or penitentiary at the expiration of ten days from their commitment; and the persons so committed as habitual drunkards, unless so transferred, shall be so discharged at the expiration of thirty days from their commitment. § 6, ch. 843, 1867.*

Commitment and discharge of intoxicated persons.

§ 567. The said corporation shall have power to receive and retain all inebriates who enter said home either voluntarily or by order of the trustees, as hereinafter provided, for such period as said trustees may deem for the benefit of such inebriates, not exceeding six months. § 2, same ch.

Power to receive inebriates.

§ 568. It shall have power to establish and carry on such branches of industry as the trustees thereof may deem necessary to carry out the reformatory objects for which it is established, and may take, purchase, hold and dispose of such personal property as may be necessary for that purpose, and no other. In its corporate name, to take, purchase and hold real estate in the county of Kings, and erect thereon such building or buildings as the said trustees may deem proper and necessary to carry out the objects of said incorporation, and for no other object. Said corporation shall have power to sue and be sued, to make and use a common seal and alter the same at pleasure; to take and hold any grant or devise of lands or any donation or bequest of money or other personal property, to be applied to the founding and maintenance of said institution. The justices of the supreme court, in the exercise of their jurisdiction, within the county of Kings, shall have power to commit to said inebriates' home, for a term not to exceed one year, all persons who, being actual inhabitants of the said county, shall be incapable or unfit for properly conducting their own affairs in consequence of habitual drunkenness. § 3, ch. 843, 1867; as amended by § 3, ch. 483, 1868.

Further powers.

Justices of supreme court may commit habitual drunkards to "Home."

§ 569. Such commitment shall be made by any of said justices, in any case where the facts referred to in the last preceding section of this act shall be made to appear by petition or complaint, duly verified and presented by any relative of such habitual drunkard, or by any officer of said home, or any officer of the metropolitan police

Proceedings under which commitments shall be made.

* Section 7 of ch. 843, 1867, repealed by § 2, ch. 483, 1868.

doing duty within said county, and upon return a commission issued upon such petition or commission, § 4, ch. 483, 1868.

1b. § 570. Upon the presentation of such petition or complaint, the justice to whom the same shall be presented shall proceed thereupon in the same manner as is directed in title two of chapter five of part two of the Laws of the State of New York, in relation to the arrest and custody of the persons and estates of idiots, lunatics and persons of unsound mind, and drunkards, and according to the rules and practice of the supreme court in such cases. § 5, same ch.

Commitment not to exceed one year. § 571. Upon becoming satisfied by return of a commission, as heretofore provided, that any person is an habitual drunkard, and incapable, in consequence thereof, of conducting his or her own affairs, said justice shall, in his discretion, to issue his warrant, committing the person so found to be an habitual drunkard to the custody of the said home, to be detained in the said home for such period, not exceeding one year, as the justice may deem proper, and such warrant shall be executed by any member of the metropolitan police. Such warrant, duly issued, shall be full and sufficient authorization for all acts done by any properly authorized officer, under and in accordance therewith. Such order of commitment may at any time be vacated or modified by any justice of the supreme court, on cause shown. same ch.

When order of commitment may be vacated or modified.
Commitments may be made to "Home" pending investigation by commission.

§ 572. Any justice before whom proceedings are pending, under the provisions of this act, may, on filing of any complaint, and when in his judgment the circumstances of the case render it proper to do so, commit the person charged with being an habitual drunkard to the said home, while proceedings on such complaint are pending, and all persons so temporarily committed shall be discharged from said home, if, on return of the commission, it shall be determined that they are proper persons to be detained. § 7, same ch.

Cost of support of persons committed, how to be paid. § 573. The estate of any person committed to the said home, and the person committed, shall be liable for the support of such person therein, and the commissioner of the said home shall pay out of his estate such sum as shall be fixed by the board of directors ordering the commitment. § 8, same ch.

Voluntary inmates to be kept separate from persons who have been committed. § 574. In the erection of the buildings provided for in the first section (section 564) of this act, suitable and convenient provision shall be made for keeping those who may be transferred to said home from the jail or penitentiary. Suitable provision shall also be made for the

the sexes separate and apart. There shall be provided, also, a suitable chapel for religious services, which shall be equally free to all religious denominations. § 9, ch. 482, 1868.

Sexes to be kept apart. Religious services.

§ 575. The money appropriated by the first section (section 564) of this act to be applied to the erection and furnishing of suitable buildings for said home, and improving the grounds belonging thereto, shall not be expended unless sanctioned by the mayor and city judge of the city of Brooklyn, and the county judge of the county of Kings, in conjunction with the executive committee of said home, who shall approve of all plans, specifications and contracts relating to the erection and furnishing said buildings and improving said grounds. And the officers herein named are hereby declared to be members and trustees of said corporation by virtue of their offices, and invested with all the powers of the original incorporators. § 10, same ch.

Money for building not to be expended without sanction of certain officers.

Trustees of corporation to approve plans, contracts, &c.

§ 576. The president of said home shall, in the month of January in each year, report to the legislature the doings of said home for the preceding year, which report shall state the amount of money received and on hand, the sources from whence received, the amount expended and for what expended, the number received into and discharged therefrom, together with such other information as may be deemed of general interest. § 11, same ch.

Annual report to legislature. Report, what to state.

§ 577. The object of such corporation [Brooklyn eye and ear hospital] shall be the establishment of a hospital in the city of Brooklyn and county of Kings, for the treatment of indigent persons suffering from diseases of the eye and ear. § 2, ch. 567, 1868.

Brooklyn Eye and Ear Hospital. See Post, § 561.

§ 578. The objects of said corporation [The church charity foundation of Long Island] shall be to establish and maintain one or more houses for such indigent aged persons and indigent orphan and half orphan children, and other children left in a destitute and unprotected state and condition, as it may receive and have under its care, and to educate such children, and to establish and maintain one or more hospitals, dispensaries or other institutions, for the shelter, support and relief of such sick or infirm indigent persons as it may receive under its care, or otherwise minister to, and to establish and main-

Objects of corporation.

* By ch. 322, 1870, "The Eastern District Hospital" of the city of Brooklyn was incorporated, and by § 2 of said chapter it is declared, that "the objects of this corporation are, to establish and maintain in that part of the city of Brooklyn lately called Williamsburgh, an hospital, at which shall be received such persons as may require medical or surgical treatment, and to invest the authority and privileges of a dispensary, to supply medicines and to give relief, and to do all things necessary and pertaining to, and as are performed by, the institution now existing in said locality."

tain such other institutions for charitable or reformatory uses and purposes as may be determined upon by the board of managers. § 5, ch. 428, 1868.

Orphan
asylums in
Brooklyn.
School
moneys
to be dis-
tributed to
asylums.

§ 579. The orphan asylum societies of the city of Brooklyn shall participate in the distribution of the school moneys raised in said city, in proportion to the number of children between the ages of four and sixteen who have been under the charge of said societies during the past year, and instructed in such manner as is usual in common schools, and shall hereafter be annually entitled to such distributive share in the same manner, and to the same extent, as is now or shall be provided, in respect to the common schools of said city. § 1, ch. 76, 1848.

Supervis-
ion of the
schools.

§ 580. The schools of said societies shall be subject to the general supervision of the board of education of said city, but remaining under the immediate direction and management of the said societies as heretofore. § 2, same ch.

Annual
appropri-
ation for
Brooklyn
Central Dis-
pensary.

Brooklyn
City Dis-
pensary.
Brooklyn
Eclectic Dis-
pensary.
Brooklyn
Homoeo-
pathic Dis-
pensary.
Williams-
burgh Dis-
pensary.
Long
Island Col-
lege Dis-
pensary.
St. Peter's
Dispensary.
Eye and
Ear Hospi-
tal.
Gates'
Avenue
Homoeo-
pathic Dis-
pensary.
Eastern
District
Hospital.
Brooklyn
Dental
Infirmary.

§ 581. It shall be the duty of the joint board of aldermen and supervisors of the city of Brooklyn hereafter to levy and raise annually, in the same manner as taxes are now required by law to be levied, the sum of fifteen hundred dollars, to be paid to the Brooklyn Central Dispensary for its support; the sum of fifteen hundred dollars, to be paid to the Brooklyn City Dispensary for its support; the sum of fifteen hundred dollars, to be paid to the Brooklyn Eclectic Dispensary for its support; the sum of fifteen hundred dollars, to be paid to the Brooklyn Homoeopathic Dispensary for its support; the sum of fifteen hundred dollars, to be paid to the Williamsburgh Dispensary for its support; the sum of fifteen hundred dollars, to be paid to the Long Island College Hospital Dispensary for its support; the sum of fifteen hundred dollars, to be paid to the St. Peter's Dispensary for its support; the sum of fifteen hundred dollars, to be paid to the Eye and Ear Hospital of the city of Brooklyn for its support; and the sum of fifteen hundred dollars, to be paid to the Gates' Avenue Homoeopathic Dispensary for its support; and the sum of fifteen hundred dollars, to be paid to the Eastern District Hospital of the city of Brooklyn, and the sum of fifteen hundred dollars, to be paid to the Brooklyn Dental Infirmary for its support. § 1, ch. 295, 1869, as amended by § 1, ch. 320, 1870.

CHAP. XXIII.**LEWIS COUNTY.**

Section 583. Distinction between town and county poor, how may be restored in Lewis county.

583. Duty of clerk of board of supervisors in such case.

584. Excise moneys and penalties, how to be applied in case such distinction is restored.

585. Moneys raised at town meetings to be paid to overseers of the poor, who are to give bonds, and account annually.

586. Supervisor of Lowville to purchase lots in cemetery for the burial of deceased town poor; money, how raised.

587. Overseer of poor of Lowville to prescribe regulations for burials.

§ 582. The board of supervisors of the county of Lewis, at any annual meeting or at any special meeting called for that purpose, may determine to restore the distinction between county poor and town poor in their said county; and upon their filing such determination duly certified by the clerk of the said board with the county clerk, the said poor shall be maintained, and the expense thereof defrayed, in the same manner as is now provided by law for the maintaining the poor in those counties in which the distinction between county and town poor prevails. § 1, ch. 81, 1842.

Distinction between town and county poor in Lewis county, how restored.

§ 583. When the supervisors of the said county shall have determined to restore the distinction between county and town poor, the clerk of the board of supervisors shall serve a copy of the resolution making such determination upon the clerk of each town within said county, and upon the superintendents of the poor of said county. § 2, same ch.

Duty of clerk of board of supervisors.

§ 584. After such resolution shall be served, the excise money collected in any town within said county, and all penalties given by law to the overseers of the poor when received, shall be applied to the use of the poor of the town in which such money and penalties shall be collected; and all officers or persons into whose hands the said moneys or penalties shall come shall pay the same to the overseers of the poor of the town in which they shall belong. § 3, same ch.

Excise money and penalties, how applied.

§ 585. All moneys voted to be raised at any annual or special town meeting in any town of the county of Lewis, for the support of town poor, shall be paid to the overseers of the poor of such town, who shall be required to give bonds in the same manner as town superintendents of common schools are now required by law to do, in a

Moneys voted at town meeting to be paid to overseers, who are to give bonds.

Overseers
to account
annually.

Burial lot
of poor in
Lowville.

Overseer
of the poor
to pre-
scribe reg-
ulations
for burials.

penalty of at least double the amount of all moneys received by their predecessors from all sources the preceding year, conditional for the faithful application and disbursement of all moneys which shall come into their hands by virtue of their office, and the overseers shall annually account to the board of town auditors for all moneys received and disbursed by them according to section fifty-two of title one, chapter twenty, part one of the Revised Statutes. § 1, ch. 7, 1845.

§ 586. The supervisor of the town of Lowville, Lewis county, is hereby authorized and required to purchase three lots in the Lowville Rural cemetery, for the burial of the deceased town poor, and such other persons as would be necessarily buried at the expense of the town; and said supervisor is hereby authorized to raise a sufficient sum upon the taxable property of said town, but not to exceed three hundred dollars. § 1, ch. 701, 1868.

§ 587. Burials upon such lots may be made only upon the order of an overseer of the poor of said town, under such regulations as the by-laws of the village of Lowville prescribe. § 2, same ch.

CHAP. XXIV.

LIVINGSTON COUNTY.

- SECTION 588. Towns in which indigent persons relieved reside to pay expenses of relief and support.
589. Overseers of poor to provide for temporary relief.
590. Overseer to enter in book name, age, etc., of persons relieved.
591. Book to be laid before town auditors.
592. Accounts of overseers, how audited.
593. Town auditor to certify the names, age, etc., of persons relieved, and to make report to board of supervisors.
594. Estimate of amount required for next year; supervisors to cause the same to be levied.
595. Supervisors to examine accounts of superintendent of poor.
596. Superintendents of the poor; keeper of poor-house.
597. Salary to be fixed by board of supervisors.
598. Inconsistent laws repealed.
599. Town of Ossian, in county of Allegany, annexed to Livingston county.
600. Present officers to retain jurisdiction.
601. County clerk to transmit names.
602. Paupers belonging thereto a charge upon Livingston county.
603. Superintendent of poor of Livingston county to give ten days' notice of removal of said poor.
604. Present officers to exercise duties of office.

The expenses which shall be incurred in the support of indigent persons entitled thereto by the county of Livingston, before removing such to the county poor-house of such county, pursuant to the provisions of the Revised Statutes for the support of indigent persons, including the expenses of the overseers of the poor for services rendered in for such relief and support (but not the expense of removal), shall be a charge upon the towns in which persons so relieved or supported shall respectively reside, to pay the same.

Towns in which persons relieved reside, to pay expenses.

The overseers of the poor of said county shall provide for such relief or support, pursuant to the order of the peace, to be obtained in the manner provided by the forty-sixth section of the Revised Statutes mentioned, except for medical services to an amount not exceeding five dollars, for which no order is required, until such persons shall be removed to the county poor-house of such county, or until the necessity for further expenditure shall cease; and it shall be necessary to obtain the sanction of the superintendent of the poor to authorize the expenditure of a sum more than ten dollars for the relief of any one poor family; provided, that such orders granted pursuant to this section shall be granted without fee or charge.

Overseers of the poor to provide for temporary relief. § How. 256.

The overseers of the poor shall keep a book, to be bound at the expense of the town, in which they shall enter the name, age, sex and native country of each person who shall be relieved or supported by the county, either directly or indirectly, with a statement of the causes, either direct or indirect, which shall have operated to render him a pauper, so far as the same can be ascertained. They shall also enter in such book a statement of the moneys received by them, when, and from whom, and of all moneys paid out for their relief, and to whom paid, and on what authority.

Names, age &c. of poor relieved, to be entered in a book.

On the Tuesday next preceding the annual meeting, in every year, and also on the Thursday next preceding the annual meeting of the board of supervisors of such county in every year, the overseers of the poor shall lay the said book before the board of town auditors, together with a just and true account of all

Book to be laid before the town auditors.

§ 4 of 1845 is entitled "An act in relation to the temporary relief of the poor in the county of Livingston, and such other counties as may be provided for by this act;" chapter 243, 1846, entitled "An act in relation to the temporary relief of the poor," authorizes the adoption of the provisions of the act of 1845 (except Kings and New York counties) of all the provisions of chapter 243, 1846. See also § 54, 55, ante, as to powers of boards of supervisors to revive or abolish distinction between town and county.

moneys received and expended by them for the use of the poor since the last preceding meeting of the said board of town auditors. The said board of auditors shall compare said account with the entries in the poor book aforesaid, and shall examine the vouchers in support thereof, and audit and settle the same, and state the balance due from the overseers, or to them, as the case may be. The said account shall be filed with the town clerk; and at every annual town meeting, the town clerk shall produce such poor accounts for the then preceding year, and read the same if required by the meeting. § 4, ch. 334, 1845.

Accounts,
how
audited.

§ 592. The accounts of overseers of the poor for their services in affording the relief and support mentioned in this act shall be audited, certified, levied, collected and paid in the manner now provided by law in respect to other town accounts. § 5, same ch.

Town
auditors
to certify
names,
ages, &c.,
of persons
relieved.

§ 593. At the annual meeting of the board of town auditors, on the Thursday preceding the annual meeting of the board of supervisors, the said board of town auditors shall make a certificate, to be signed by a majority of the board, specifying the name, age, sex and native country of every person who shall have been relieved or supported by the overseers of the poor, during the then preceding year, and stating the causes, either direct or indirect, which shall have operated to render such person a pauper, and the amount of money expended for the use of each and every person so relieved or supported as allowed by the board of auditors, together with the amount allowed to each overseer for services rendered in relation to the temporary relief of the poor as aforesaid; which certificate the said board of auditors shall cause to be delivered to the superintendents of the poor of such county, or one of them, on or before the first day of December then next. § 6, same ch.

Estimate
to be made
of amount
necessary
for next
year.

§ 594. The board of town auditors shall also, at their annual meeting mentioned in the last preceding section, make an estimate, to be signed by a majority of the board, of the sum which they shall deem necessary for the temporary relief and support of the poor the ensuing year, and to supply any deficiency in the preceding year, and shall cause the said estimate to be laid before the board of supervisors of such county, on the first day of their then next annual meeting. The board of supervisors shall cause the said sum to be levied and collected in the town where the same was estimated to be necessary as aforesaid, in the manner now provided by law in respect to other town charges, and to be paid to the overseers of the poor of such town. § 7, same ch.

- k. It shall be the duty of the board of supervisors of the county to examine the accounts of the superintendent of the poor, and audit the same. § 8, same ch. Duty of supervisors.
- l. The superintendent of the poor, hereafter elected in the county of Livingston, shall, by virtue of said office, be keeper of the poor-house of said county. § 1, ch. 31. Superintendent of Livingston to be poor-house keeper.
- i. The salary of said superintendent and keeper shall be fixed by resolution of the board of supervisors of the county, at the next meeting of said board after the election of said superintendent, and, when so fixed, shall remain until said board shall, by resolution, direct otherwise. § 2, ch. 79, 1861. His salary, and how to be fixed.
- j. All laws inconsistent with this act are hereby repealed. Repeal.
- d. § 3, same ch.
- k. The town of Ossian, in the county of Allegany, is hereby annexed to the county of Livingston. § 1, ch. 37. Annexation of Ossian.
- l. All the officers of the town of Ossian in office at the time this act shall take effect shall remain officers of the town with the same tenure and jurisdiction in and for the county of Livingston which they had or possessed in the county of Allegany before the passage of this act. § 2, same ch. Present officers to retain jurisdiction.
- i. The clerk of the county of Allegany shall, immediately after the passage of this act, make and transmit to the clerk of the county of Livingston, to be filed in his office, a certificate of all the town officers of the town of Ossian whose names are filed or kept in his office, which certificate, when so filed, or a copy thereof certified by the clerk of the county of Livingston, shall be evidence in all cases, with the like force and effect as his certificate would be if said officers had been elected or appointed in said town of Ossian, in the county of Livingston, after the passage of this act. § 3, same ch. County clerk to transmit names.
- l. All paupers belonging to or transported from the county hereby annexed, to the poor-house of the county of Livingston, shall be a charge upon the county of Livingston from and after the passage of this act, until they are removed, as hereinafter provided. § 6, same ch.
- k. The superintendents of the poor of the county of Livingston may give at least ten days' notice to the superintendents of the poor of the county of Allegany, if they intend to remove said paupers from said poor-house, and at the expiration of said notice they may remove said paupers; and all expenses incurred for the removal of the same shall be audited and raised by the board of supervisors of the county of Livingston, and paid by the treasurer of the county of Allegany, at their next annual meeting. § 7, same ch. Duty of superintendent of poor.

Present
officers.

§ 604. All persons appointed to office residing on the territory hereby annexed shall hold and exercise the duties of his or their office during the term of the same, notwithstanding this act. § 8, same ch.

CHAP. XXV.

MONROE COUNTY.

- SECTION 605. Overseers of Monroe county to examine applicants for relief; false swearing, perjury.
606. Power of overseers to settle bastardy cases.
607. Excise moneys to be applied for relief of poor.
608. This not to prevent moneys paid to New York State Inebriate Asylum.
609. Inconsistent acts repealed.
610. Board of supervisors may authorize superintendent of poor in Monroe county to grant temporary relief.
611. Insane asylum of Monroe county to be a separate institution from county poor-house, and supervisors to have control of the same.
612. Authority of supervisors; may elect warden and fix his salary.
613. Trustees of such asylum to be elected.
614. } Powers and duties of wardens.
615. }
616. Supervisors to levy tax for support of asylum.
617. Warden may contract for support of insane persons.
618. He may demand from state asylum persons chargeable to said county of Monroe.
619. Restrictions as to the admission of inmates from Monroe county, on order of county judge, into state asylum.
620. Common council of Rochester to appoint one overseer of poor.
621. Mayor and aldermen of Rochester to be overseers of poor; their powers and duties as such in respect to indigent persons, lunatics, bastardy cases, etc.
622. Poor, how to be supported in Rochester.
623. Almshouse, how and when may be erected and maintained.
624. Common council may appoint officers and servants for the government and management of such almshouse, and make regulations, etc.
625. May provide materials and implements for manufactures, and cause inmates to labor, and may provide cells and rooms for idiots and lunatics.
626. May raise \$30,000 for support of poor annually; city may borrow money to supply deficiencies.
627. Managers of the house for idle and truant children to report annually, and expenses for such institution; how to be raised.
628. Trustees of Rochester Home for the Friendless may bind out children surrendered to them.

- 629. Revised statutes to apply to such binding out.
- 630. Certain idle and truant children committed in Rochester may be detained or bound out, etc.
- 631. Children surrendered to the custody of the Roman Catholic Orphan Asylum society of Rochester may be bound out by the managers of such society; how and under what conditions; who to be the guardians in certain cases.
- 632. Children surrendered to the custody of the St. Joseph German Roman Catholic Orphan society of Rochester may be bound out by the trustees of such society.
- 633. Common council of Rochester may issue bonds for debt contracted on account of volunteers.

05. The overseer of the poor of the county of Monroe and of the city of Rochester shall have the power to administer to, and examine under oath, any person applying to them for relief; and false swearing in such examination shall be deemed willful perjury.
Overseers in Monroe county to examine applicants for relief.

06. They shall also have the same power to settle cases of bastardy as is now conferred upon the superintendents of the poor. § 2, same ch.
Cases of bastardy.

07. All excise moneys obtained from licenses in the city of Rochester shall be paid by the county treasurer to the city treasurer, for the relief of the poor of that city, and all excise moneys, obtained from licenses in town in the county of Monroe, shall be paid by the county treasurer to the overseers of the poor of that county for the relief of the poor. § 3, same ch.
Excise moneys, how appropriated.

08. Nothing in this act contained shall prevent the treasurer of the county of Monroe from paying to the New York State Inebriate Asylum the ten per cent paid to that institution out of such moneys. § 4, same ch.
Construction as to inebriate asylum.

09. All acts and parts of acts inconsistent herewith are hereby repealed. § 5, same ch.
Repealed.

10. It shall be competent for the board of supervisors of the county of Monroe, at any meeting of said board, by a vote of a majority of the supervisors elected, to authorize the superintendents of poor of the county of Monroe to grant temporary relief, not exceeding in amount twenty-five dollars, to county paupers, other than those in the county-house, in all cases where it shall be apparent to them that the cost of support will be less expensive than in the county-house. § 1, ch. 323, 1859.
Temporary relief, Monroe county superintendents may be authorized to grant.

11. The insane asylum of the county of Monroe, after the passage of this act, be a separate and distinct institution from that of the Monroe county poor-house, and the board of supervisors of said county shall have the sole control, management and superintendence of the same. § 1, ch 82, 1863.
Monroe county insane asylum.

Authority
of super-
visors to
elect
warden.

§ 612. The board of supervisors of said county shall have full power and authority at any annual meeting or at any special meeting of the board called for that purpose, after the passage of this act, to make all needful rules and regulations for the management, regulation, support and control of said asylum. They shall also have power, at any meeting held as aforesaid, to elect by ballot some suitable person to act in the capacity of warden of said asylum, a majority of said board of supervisors being necessary to elect, who shall hold his office for three years, unless removed by said board of supervisors for incompetency, misconduct or neglect of duty. Said warden shall, before he enters upon his duties as such warden, execute and deliver to the said board of supervisors his bond, with two or more sureties, to be approved by said board, in such amount as said board of supervisors may require, for the safe-keeping and true accounting of all moneys and other property which may come into his possession as such warden. Said board of supervisors shall fix the salary of such warden and such other subordinate officers as may be by them deemed necessary, and such salary, when fixed, shall not be changed during the term of office for which such person may be chosen. § 2, ch. 82, 1863.

Trustees (a)

§ 613. The said board of supervisors shall have power and it shall be their duty, at their first meeting after this act takes effect, to elect by ballot three freeholders of said county who shall constitute a board of trustees of said asylum. The ballots used at such election shall contain the name of one person, and the person having the greatest number of votes on the first ballot shall be elected for three years; the person having the greatest number of votes on the second ballot shall be elected for two years, and the person having the greatest number of votes on the third ballot shall be elected for one year; a majority of the votes of all members of the board shall be requisite to make such election legal. The said board of supervisors shall, at each annual meeting thereafter, elect one such trustee who shall hold his office for three years.

* It shall be the duty of the trustees of the Monroe county Insane Asylum, and they are hereby empowered, to hear and determine all questions and inquiries in relation to indigent lunatics and pauper insane who may be committed to said asylum, as to whether the maintenance of such lunatics and pauper insane is properly a charge upon a specified town in the county of Monroe, or upon the city of Rochester, or upon the county of Monroe, and shall certify their decision to the board of supervisors of said county, and the said board shall cause the expenses of maintenance as aforesaid, to be levied against the said town, city or county, and collected as the said board of trustees shall thus certify. § 1, ch. 683, 1870. The said board of trustees are hereby authorized and directed further, when any lunatic, not indigent or a pauper, is placed in said asylum, to charge the estate of such lunatic or the persons legally responsible for his maintenance, and to collect the same at such time in each year as may be determined by the board, and the amount so collected shall be applied for the maintenance of said lunatic, and the board shall include the statement of such collection and disbursement in their annual report now required by law. § 2, ch. 683, 1870.

pose, which inventory and appraisal, together with his annual report, shall be presented to the board of supervisors on or before the second Tuesday of October thereafter. § 5, same ch.

Supervisors to levy tax.
See ante, § 613, note.

§ 616. The board of supervisors of the said county shall have power, at any annual meeting after this act takes effect, and it shall be their duty, to cause such tax to be levied and collected on the taxable property of the county as will, in their judgment, be sufficient to defray all expenses of the asylum during the next ensuing year, which tax, when so levied and collected, shall be paid to the treasurer of said county and placed to the credit of the Monroe county insane asylum, in a book kept for that purpose, and such moneys, so collected and paid to said treasurer as aforesaid, shall be used for the support and care of the insane in said county, and for no other purpose whatever. Said moneys may be drawn by the warden upon his order, from time to time, as the same may be needed for the use of the asylum. § 6, ch. 82, 1863.

Warden may contract for support of insane persons.

§ 617. The said warden shall have full power to enter into contract with any individual of said county, or any town thereof, or with the city of Rochester in said county, for the support and treatment of any insane person at said asylum, upon such terms as he may deem just, and such contract, when so made, shall be legal and binding upon the respective parties; the payments on such contracts to be made to the said warden, who shall render a full and true account annually to said board of supervisors of all moneys so received, and also the number and nature of all such contracts and with whom made. § 7, same ch.

Warden may demand certain inmates from state asylum.

§ 618. The warden of said asylum, by the direction of the board of supervisors of said county, or by the direction of the trustees of said asylum, shall have power to demand and receive from the state lunatic asylum any and all persons who now are, or who shall become, chargeable hereafter to said county, or to any town or city in said county, and the managers of said state lunatic asylum shall, on demand as aforesaid, surrender up to said Monroe county insane asylum any and all persons who, at the time of making such demand, shall in any wise be chargeable to said county of Monroe, or any town or city in said county. § 8, same ch.

Restrictions as to admission of inmates into state asylum.

§ 619. No insane person or lunatic residing in the county of Monroe, being in indigent circumstances, and whose maintenance or support shall be chargeable, or likely to become chargeable, to said county or any town or city in said county, shall hereafter be admitted into the said state lunatic asylum upon the order of any court, justice, judge, or upon the authenticated certificate of the

judge of said county of Monroe, unless such order or certificate be accompanied by the written consent or approval of the trustees of said Monroe county asylum, or the chairman of the board of supervisors of said county.

§ 9, same ch.

§ 620. The common council of the city of Rochester shall, annually, or as often as a vacancy exists, appoint by ballot one overseer of poor. Part of § 8, ch. 143, 1861; as amended by § 7, ch. 553, 1865, and by § 1, ch. 699, 1866.

Overseer
of Roch-
ester.

§ 621. The mayor and aldermen of the said city [of Rochester], by virtue of their offices, shall be overseers of the poor for the said city, and shall possess all the powers and authority of overseers of the poor in the several towns in this state, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents, shall become chargeable to the said city or to the county of Monroe, in the said city; the safe-keeping and care of lunatics; the care of habitual drunkards; the binding out and contracting for the service of disorderly persons; the support of bastards, and proceedings to charge the fathers and mothers of such bastards; and all such other powers as are conferred on overseers of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities. § 232, ch. 143, 1861.

Mayor and
aldermen
of Roch-
ester to be
overseers
See ante
§ 620.
Their
powers
as such.

§ 622. Until provisions shall otherwise be made, as hereinafter authorized, the indigent persons, and such others as shall be entitled to relief under the laws of this state, who are or shall become chargeable, or likely to become chargeable, to the said city, being in the said city, shall continue to be supported and relieved in the manner provided by law in respect to the county of Monroe.

Poor, how
supported.

§ 233, same ch.

§ 623. Whenever the common council shall deem it expedient, they may cause an almshouse to be erected in the said city, being authorized thereto as herein provided, and may appoint as many commissioners to take charge thereof as they shall judge necessary, and may raise the expense of the maintaining of the almshouse by a tax or taxes on the real estate within the said city, and on the personal property of residents therein, in same manner as hereinbefore provided in respect to taxes for the general expenses of the said city. And the same proceedings for that purpose shall be had in all respects. § 234, same ch.

Alma-
house.

§ 624. The common council may appoint such other officers and servants for the government and management of the said almshouse as they shall deem necessary, and

they, together with the said commissioners, shall hold their appointment during the pleasure of the common council; and the common council shall make such regulations as they think necessary for the government, management, support and good order of the said almshouse, its tenants, officers, keepers and servants. § 235, same ch.

Ib. to
cause in-
mates to
labor.

§ 625. The common council may cause such labor in manufactures, or otherwise, to be performed by the tenants of such almshouse as they shall prescribe, and may provide the materials and implements therefor at the expense of the city, and they may also erect, in the said almshouse, proper cells and rooms for the confinement and care of lunatics and idiots, and other persons confined therein, and may provide for them, and for the care of such lunatics, and may contract with the supervisors of the county of Monroe, and with any other person, for the support and care, and medical and surgical attendance, of any lunatics, idiots, insane, sick, diseased or maimed persons. § 236, ch. 143, 1861.

When city
may bor-
row mon-
ey to sup-
ply defi-
ciencies
in funds.

§ 626. For the purpose of paying such expenses, the common council may raise annually a sum not exceeding thirty thousand dollars for the support and relief of the poor of said city. In case the sum above mentioned shall prove insufficient for the purpose for which the same was raised, then the common council shall have power, in the month of January in each year, by a vote of three-quarters of all the members elected, subject to the approval of the mayor, to provide for borrowing, upon the credit of the city, so much money as may be deemed necessary to supply such deficiency; and the amount so borrowed shall be assessed and collected as part of the city taxes of the ensuing year, in addition to the other sums above provided for. Part of § 85, ch. 143, 1861; as amended by ch. 132, 1862, ch. 553, 1865, and by § 7, ch. 699, 1866.

Home for
idle and
truant
children.

§ 627. The managers of the house for idle and truant children in said city shall report to the common council at its first meeting in January in each year, the estimate expenses of such institution for the ensuing year. And the expenses of providing and maintaining such institution for the reception, clothing, support and instruction of such children, shall be raised and defrayed by the common council in the same manner as charges for the support of the poor of said city. § 9, ch. 699, 1866.

Children
committ-
ed to
Rochester
Home of
the Friend-
less.

§ 628. Whenever any child under the age of fourteen years shall have been committed to the care and custody of the Rochester Home for the Friendless, a corporation incorporated in the year eighteen hundred and fifty-five, under and by virtue of the act entitled "An act for the incorporation of benevolent, charitable and scientific and missionary societies," passed April twelfth, eighteen hun-

erty-eight, or to the managers thereof, as such, parent of such child, or by any superintendent of the poor, it shall be lawful for said corporation out such child to some suitable employment such child shall attain the age of twenty-one years, and until such child shall attain the age of twenty-one years, if a female; which binding shall be as if such child had bound itself with the consent of its parents or guardians. § 1, ch. 186, 1857; as amended, ch. 312, 1858.

The provisions of sections eight, nine and ten, first of title fourth of chapter eighth of part second of the Revised Statutes shall apply to all cases of children committed under this act. § 2, ch. 186, 1857.

Every child committed to the house provided by the city of Rochester for the reception of idle and truant children under the third section of the act entitled "An act for the care and instruction of idle and truant children," passed April twelfth, eighteen hundred and thirty-five [chap. 185, 1853] shall be kept in such house until such child shall arrive at the age of seventeen years; and, nevertheless, that the managers of said house shall have the power to discharge such child at any time, and may also bind out such child as a apprentice or servant, in the same manner, for the same term, and subject to the same provisions in all respects as are contained in the first article and fourth section of the act entitled "An act for the care and instruction of idle and truant children," passed April twelfth, eighteen hundred and thirty-five, in respect to children whose parents have been unable to provide for them on any city or town; and the manager of such house shall have power, and it shall be his duty, to discharge truant children committed to such house. § 1, ch. 393, 1868.

When a child shall be surrendered to the care of the said society [The Roman Catholic Orphan Asylum society of the city of Rochester] by the guardian of such child, the trustees may bind such child, being of full age of eight years, to some employment, in the same manner as overseers of the poor are authorized to bind out poor and indigent children, but provision shall be inserted in the contract of said child for securing an education suitable to such child. In case of the death of the father of such child, the mother shall be the guardian of such child for the purpose of surrendering the said child and custody of the trustees of said corporation. In case of the death of both parents, the mayor of Rochester shall be, ex officio, the guardian of such child, for the purpose of enabling said trustees to bind such child. Ch. 389, 1849.

Statutes
operative.

Idle and
truant
children in
Rochester.

Rochester
Catholic
children,
when to be
bound out
by orphan
asylum.

The moth-
er when to
be guar-
dian.

Indigent
children
may be
bound out
by German
Catholic
asylum.

§ 632. When a child shall be surrendered to the care and custody of the said society [The St. Joseph German Roman Catholic Orphan Asylum society of Rochester and Monroe county, for the moral and scientific education of orphan and half-orphan children. Part of § 1, ch. 205, as amended by ch. 198, 1869] by the parent or guardian of such child, the trustees may bind out such child to some suitable employment in the same manner as overseers of the poor are authorized to bind out poor and indigent children, but provision shall be inserted in the indenture of said child for securing an education suitable for such child. In case of the death of the father of any destitute child, the mother shall be the guardian of said child, for the purpose of surrendering the said child to the care and custody of the board of trustees of said corporation; and in case of the death of both parents, the mayor of the city of Rochester or the superintendent of the poor of Monroe county shall be, ex officio, the guardian of said child, for the purpose of enabling said managers to bind out said child. Children intrusted to this corporation by the voluntary act of the parents or guardians shall be deemed to be in the lawful charge and custody of said corporation, and such surrender shall be evidenced, by writing, in form substantially as follows:

Form.

I, N. N., father (mother or guardian) of B. C., aged _____ years, born in _____ do hereby surrender and intrust to the St. Joseph's G. R. C. Orphan Asylum society of Rochester and Monroe county, for the period of _____ years, the entire charge, management and control of the said B. C., and do hereby assign to and invest the said corporation with the same powers and control over the said B. C. as those of which I am possessed.

In presence of _____ § 6, ch. 205, 1863.

Common
council
may issue
bonds for
debt on ac-
count of
volun-
teers.

§ 633. The common council of said city may issue the bonds or obligations of the said city to an amount not exceeding the sum of one hundred thousand dollars, to be a part of the funded debt of said city, executed under the corporate seal thereof and signed by the mayor and clerk thereof, or such other officer as the common council shall designate, payable to the holder or bearer at such time, not more than twenty years after their date, as the common council shall designate, with interest payable semi-annually at a rate not greater than seven per cent per annum, for an amount sufficient to, and which bonds or obligations shall, be used or negotiated by said common council for the purpose of paying the indebtedness of said city incurred under or by virtue of the provisions of chapter five hundred and fourteen of the laws of the state of New York for the year eighteen hundred and

Duty of
common
council.

sixty-three, passed May seventeenth, one thousand eight hundred and sixty-three, as such indebtedness shall exist on the first day of April, in the year eighteen hundred and sixty-four. Part of § 269, ch. 143, 1861, as amended by § 6, ch. 64, 1864, and by § 19, ch. 553, 1865.

CHAP. XXVI.

RELATING TO MONROE AND NIAGARA COUNTIES.

Section 634. Disposition of certain fines and penalties in counties of Monroe and Niagara.

635. Justices of the peace to make annual report to supervisors.

636. Report to be verified.

637. Refusal or neglect to report, as required in section 634, a misdemeanor.

638. District attorneys of Monroe and Niagara counties to prosecute for violation of this act.

639. Inconsistent acts repealed.

§ 634. It shall be the duty of the justices of the peace of the counties of Monroe and Niagara, and they are hereby required, to pay over to the county treasurers of their respective counties all fines imposed and received by them in their official capacity, within thirty days after the receipt thereof, except such fines as are now provided by law to be paid over to the overseers of the poor; all such fines paid to the treasurer of the county of Niagara shall be for the use of said county, and all such fines paid to the treasurer of the county of Monroe shall be by him credited to the several towns from which said fines were paid, and said treasurer shall pay over to the overseers of the poor of the several towns of Monroe county the amount of such fines received by him from said towns, respectively, for the use of the poor of such towns. § 1, ch. 337, 1860; as amended by ch. 215, 1863.

Fines and penalties in Monroe and Niagara counties.

§ 635. It shall be the duty of such justices to make an annual report to the boards of supervisors of their respective counties, at the first annual meeting of such boards after the passage of this act, and at every subsequent annual meeting, within ten days after the first day of said meeting. § 2, ch. 337, 1860.

To make annual report.

§ 636. Such report shall be verified by the oath or affirmation of the justice making the same, and shall contain a full and true statement of all the fines imposed and received by him, in his official capacity, during the year next preceding the date of such report; and accompany-

Report to be verified by oath.

ing such report shall be presented, also, a receipt from the county treasurer for the amount of fine so reported. § 3, same ch.

Refusal or neglect to report declared a misdemeanor.

§ 637. Every officer named in the first section (section 634) of this act, who shall neglect or refuse to report, as aforesaid, within ten days from the first day of the annual meeting of said board, shall be deemed guilty of a misdemeanor, and shall be punishable by and before any court of competent jurisdiction, by a fine of not less than twenty-five nor more than one hundred dollars; and such court may, in its discretion, order the defendant to be imprisoned until such fine, together with the costs of the proceedings before said court, shall be paid. § 4, ch. 837, 1860.

Duties of district attorneys.

§ 638. The district attorneys of the said counties of Monroe and Niagara are hereby authorized, and it shall be their duty, to prosecute to judgment all delinquents for any violation of the provisions of this act, in any court having jurisdiction; and all moneys by them recovered for a violation of this act shall be paid to the county treasurer of their respective counties, to be by the board of supervisors appropriated to the support of the poor of such county. § 5, same ch.

Repeal.

§ 639. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. § 6, same ch.

CHAP. XXVII.

MONTGOMERY COUNTY.

SECTION 640. Appointment of overseer of poor in Montgomery county, how made in May, 1863.

641. Overseers to be elected in 1864, and every two years thereafter.

642. Powers and duties of overseers.

643. When justice of peace to act as overseer.

644. Overseer to present at annual town meeting an estimate of sums needed for temporary relief for the ensuing year, &c.

645. Such overseer to keep book of entries of all persons applying to him for relief, and to make annual report thereof, &c.

646. Accounts to be audited by town auditors.

647. When overseers to send persons to county poor-house, and when the keeping such persons there a county charge.

648. Pay to overseers; overseers to execute bonds and to report to the superintendent annually.

649. County poor expenses to be audited by the board of supervisors.

SECTION 650. Repeal of fifth section of chap. 187, 1844.

651. Supervisors may sell county poor-house farm.

652. Contract with keeper of poor-house confirmed.

653. Duty of supervisor as to resident paupers.

654. Overseers to contract for support of paupers.

655. Overseer to keep book of contracts and make abstract annually.

656. Overseer to keep book to enter name and circumstances of paupers.

657. Charges for local and transient poor to be a town charge of the town in which the relief shall be granted.

658. Compensation of overseers.

659. Keeper of poor-house abolished; county superintendent created; how elected; his powers, duties and compensation.

660. Lunatics to be supported at county expense.

661. Excise commissioners to pay over certain amount of moneys to overseers.

662. Duty of overseers in respect to such moneys.

663. Name and circumstance of persons receiving temporary relief, overseer to render report.

§ 640. The supervisors, town clerk, and at least three of the justices of the peace of each of the several towns in the county of Montgomery, shall, on the first Tuesday in May next, assemble at the place where the last town meeting was held, in their respective towns, and appoint one overseer of the poor for such town, who shall hold his office, and discharge the duties hereinafter devolved upon him, until the next annual town meeting to be held in the several towns in said county, and no longer. § 1, ch. 42, 1863.^a

Appoint-
ment of
overseer of
Montgom-
ery county
in May,
1863.

§ 641. At the annual town meeting to be held in the several towns in said county in the year eighteen hundred and sixty-four, and every two years thereafter, there shall be elected, in each of the said several towns, one overseer of the poor of the town, who shall hold his office for two years. § 2, same ch.

Election
of overseer
in 1864 and
every two
years
thereafter.

§ 642. The powers and duties heretofore conferred upon and exercised by the supervisors of the respective towns in said county of Montgomery, so far as relates to the adjudication in relation to and the relief and support of the poor, are hereby conferred upon the overseers of the poor of the respective towns in said county, to be appointed and chosen as provided in the first and second sections of this act, and it shall be the duty of the overseer of the poor of each town in said county to exercise

Duty of
overseers.

^a An act in relation to the support of the poor in the several towns of the county of Montgomery, passed March 23d, 1863. By the provisions of this act, chapter 283, entitled "An act relative to the office of justice of the peace and overseers of the poor in the county of Montgomery," passed April 20, 1863, has been superseded.

the power and discharge the duties aforesaid, and hereafter no other person or officer shall in any manner or way exercise such power or discharge such duties. § 3 same ch.

When justice to act.

§ 643. In case of the absence of the overseer of the poor from the town in which he is a resident, or of his inability to serve, or in case of a vacancy in said office, the powers and duties aforesaid shall be exercised and discharged by any justice of the peace of such town. § 4, ch. 42, 1863.

Moneys to be annually raised.

§ 644. It shall be the duty of the overseer of the poor of each town in said county, at every annual town meeting to be held therein, to present to the electors then assembled, an estimate of the sums needed to be expended for temporary relief of the poor of such town, for the ensuing year, and a statement of all deficiencies which may then exist, of the previous year, which sums shall be voted upon by the electors of such town, and the sum so voted shall be raised by the supervisors of such town, as other town expenses are raised, and paid over to the overseer of the poor of such town, to be by him expended for the temporary relief of the poor of such town. § 5, same ch.

Overseer to keep book.

§ 645. It shall be the duty of the overseer of the poor of each town in said county to enter, in a book to be by him kept for that purpose, the names of all persons who shall apply to him for relief, with the date of such application; and his decision in each case, whether sent to the poor-house, temporarily relieved or application refused, together with an account of all sums by him expended in the relief of each indigent or poor person and family, and the number of persons relieved in each family; to whom paid; of all orders granted, to whom given and upon whom drawn; which book shall at all times be open to the inspection of any taxable inhabitant of the town. He shall also, at the annual town meeting in his town, make and publish to the electors of said town a report and statement of all relief by him granted, to whom granted, and the amount granted to each person. § 6, same ch.

Account of overseers to be audited.

§ 646. The said overseers of the poor shall, at the time when other town accounts are audited, present to the board of town auditors of their respective towns an account of all moneys received by them, and how expended, and the said board of town auditors shall audit and allow the same, in the manner now required by law, as other town expenses are audited and allowed, and all expenses for temporary or permanent relief for the poor of the several towns, furnished by such overseer, whether resident or transient, shall be a charge on the town where the

of the poor granting such relief resides, and in which expenses have accrued. § 7, same ch.

It shall be the duty of the overseers of the poor of the several towns in said county, when in their judgment shall seem proper, to send any person applying to the poor-house in said county, and in that case the expenses of keeping and maintaining such person shall be a charge upon the county, to be audited, and paid as other county expenses are audited, and paid. § 8, ch. 42, 1863.

When expense a county charge.

The overseers of the poor of the several towns in said county shall receive for their services at the rate of one dollar and fifty cents for each day actually and lawfully spent in the discharge of their duties, but the sum to be received by them in any one year, for their services, shall not exceed in amount the sum of one hundred dollars. They shall also, within ten days after their appointment, execute to the superintendent of the poor of the several towns a bond, with sufficient sureties, approved by such supervisor, in the penal sum of one hundred dollars, conditioned for the faithful discharge of their duties and for the faithful accounting of moneys received and expended by them. And they shall make a report to the superintendent of the poor, or of the poor-house, between the first and tenth of December. § 9, same ch.; as modified by § 7, 1863.

Pay of overseer.

Modified by § 7, ch. 421, 1899. See § 658, post.

Bond with sureties, to be given.

Report to be made.

The county poor expenses shall hereafter be audited by the board of supervisors in the same manner as other county expenses are audited.^b § 13, ch. 42, 1863, ch. 201, 1853.

Audit of county expenses.

The fifth section of the act [ch. 137] passed the 1st day of April, eighteen hundred and forty-four, "An act in relation to the support of the poor in the county of Montgomery," is hereby repealed. § 1, ch. 253.

Repeal.

Ch. 137, 1844, entitled "An act in relation to the support of the county of Montgomery," is superseded by § 8, ch. 681, 1896. Section 1, abolishing the office of keeper of the poor-house in and for the county of Montgomery, in effect repeals § 2, ch. 137, 1844, conferring upon the overseers the power of appointing such keeper and prescribing his duties. Said § 8, ch. 681, 1896, also, in effect, repeals § 3, ch. 137, 1844. Said § 2, ch. 42, 1863, are inconsistent with § 8, ch. 681, 1896, and, in effect, repealed by said section, except so much of said § 11 of ch. 42, 1863, as relates to the prosecution of the bond given under said section by the overseer of the poor-house, which last-mentioned section is as follows, viz.: "The overseer shall, before he enters upon the duties of his office, execute to the superintendent of the poor of said county a bond, in the penal sum of ten thousand dollars, with sufficient sureties, to be approved by such superintendent, for the faithful performance of the duties of his office, and for the safe custody of the moneys that may come into his hands by virtue of his office. In case of default in any of the conditions of his said bond, the sureties shall thereby be forfeited, and the said superintendent is hereby authorized and required to prosecute the said bond to judgment and execution, and the moneys arising therefrom shall be paid into the county treasury for the support of the poor of said county."

Ch. 137, the Montgomery county supervisors are prohibited from making any accounts for the relief of the poor, except for chronic and insane poor persons.

Montgomery county supervisors may sell poor-house farm and property.

Provisos.

Contract with keeper of poor-house, &c., confirmed.

Duty of supervisors as to resident paupers, &c.

Overseers of the poor to take charge and provide for maintenance of paupers.

§ 651. The board of supervisors of the county of Montgomery (more than half the full number elected concerning) are hereby authorized and empowered to sell and convey the poor-house farm and property, in whole or part, and to grant proper deeds of conveyance, and reinvest the avails thereof in a new site and buildings for the same purpose at any point in said county where a majority of said supervisors elected shall designate, in writing; provided that said sale of the present site shall be made within one year from the passage of this act, and provided further, that the question of said sale shall be acted upon and passed upon at a regular and full meeting of said board, and the deed of sale to be signed by at least six members of said board; and provided further, that before said board shall act thereon, notice of the intended action upon said subject shall be duly published in at least two public newspapers of said county at least three weeks prior to the meeting of said board. § 1, ch. 278, 1860.

§ 652. The contract of the board of supervisors of Montgomery county, entered into with the keeper of the poor-house on the thirteenth day of January, eighteen hundred and sixty-six, for the support of the paupers in said poor-house, and the sale of the Montgomery county poor-house farm to Peter Nellis, is hereby ratified and confirmed. § 1, ch. 681, 1866.

§ 653. It shall be the duty of the board of supervisors to meet on the first Tuesday of December, eighteen hundred and sixty-six, and to determine and set apart, by name, each pauper who shall be allotted to the town in which such pauper was a resident at the time when he came to the poor-house. After disposing of such resident paupers, the said board shall distribute the transients, or paupers at large, among the several towns, upon the basis of population. It shall be the duty of the overseers of the poor of the several towns to take charge of the paupers so allotted to their respective towns, on the thirteenth day of January, eighteen hundred and sixty-seven, and each town shall be held responsible to the county for the faithful performance thereof. § 2, same ch.

§ 654. The overseers of the poor of the several towns are hereby required to contract with some responsible person or persons for the maintenance of such paupers allotted to their respective towns, by the week or otherwise, and it shall be his further duty to see that all such paupers are properly maintained and provided for, and to provide in like manner for all persons who may become a permanent town charge, and to grant temporary relief to such poor and indigent persons as may be in his town. § 3, same ch.

§ 655. It shall be the duty of the overseer of the poor of each town to enter in a book kept for that purpose the names of all persons with whom he shall make contracts, and the amount thereof, and he shall, on or before the annual meeting of the board of town auditors, in each year, make and file with the town clerk, for the use of the auditing board, a full and complete abstract of such entries; show the full indebtedness of said town, incurred for the purpose herein contained; and the said board of town auditors are forbidden to audit or allow any such account, unless a bill in items shall be presented to the board, subscribed and sworn to by the party claiming the same. § 4, ch. 681, 1866.

Book of
accounts.

Abstract
of entries.

§ 656. It shall be the duty of the overseers of the poor to provide a book in which he shall enter the date of relief, name, age, birth-place, dismissal, death and cause of indigency of all persons supported by the town; also, to make an entry of date, name, age, occupation, birth-place and cause of indigency of all persons otherwise relieved. The said books at all times shall be open to the inspection of the inhabitants of the town. § 5, same ch.

Book con-
taining
name, age,
&c., of
paupers.

§ 657. All charges for the support of the poor in said county, whether local or transient, except for chronic and incurable insane persons, shall be paid by the towns where the relief is granted; and the board of supervisors are prohibited from auditing any accounts for the relief of the poor, except such insane persons. § 2, ch. 138, 1869.^a

Charges
for local
and trans-
ient poor
to be town
charges.

§ 658. The overseers of the poor of the several towns in said county shall receive, for services under this act, as compensation, one dollar and fifty cents a day, not exceeding one hundred dollars for all services in any one year. § 7, ch. 681, 1866.

Pay of
overseers
of the
poor.

§ 659. The office of keeper of the poor-house in and for said county is hereby abolished, from and after the first day of January, eighteen hundred and sixty-seven. And there shall hereafter be elected, in the county of Montgomery, one county superintendent of the poor, who shall hold his office for the term of three years, and shall exercise all the powers and discharge all the duties now conferred by law upon county superintendents of the poor, and not inconsistent with the provisions of this act. The first election of such officer shall take place on the Tuesday next after the first Monday in November, eighteen hundred and sixty-six, and shall enter upon the duties of his office on the first day of January, eighteen hundred and sixty-seven. Such officer shall be entitled to receive a per diem allowance of three dollars, and three cents per mile, each way, for travel fees, for all the time

Office of
keeper of
poor-
house
abolished.
County
superin-
tendent,
term of
office, &c.

Election
of.

Pay of, &c.

^a Section 6, ch. 681, 1866, repealed by § 1, ch. 138, 1869.

necessarily spent and distance traveled in the discharge of any of the duties of his office, not exceeding in any year the sum of three hundred dollars, and nothing shall be allowed him in any case whatever. He shall make out a bill in items of the services rendered and distances traveled from time to time, with dates of the discharge of his official duties, subscribed and attested to by him, and such bill shall be audited by the board of supervisors as a county charge; but nothing herein contained shall prevent such board from inquiring into such charges and reducing the same, in case any extravagance shall appear. § 8, ch. 681, 1866.

Lunatics.
See ante,
§ 557.

§ 660. All persons laboring under incurable lunacy or insanity, that are now or may hereafter become chargeable, shall be supported at the expense of the county, and the board of supervisors shall provide for their support within the state asylum for indigent insane, or in such other manner as the board of supervisors or the board of the state may prescribe. § 8, same ch.

Excise
commissioners
to pay to
overseers.

§ 661. The board of commissioners of excise of the county of Montgomery shall, after deducting for the county of New York state inebriate asylum ten per cent of the amount collected by them, according to the provisions of an act entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April the tenth, eighteen hundred and fifty-seven, and twenty days after the receipt of such moneys by the board, pay to the overseers of the poor of each town in the county of Montgomery, an amount of said excise equal to the sum contributed by such town, for the payment of penalties and forfeiture. § 1, ch. 927, 1867.

Duty of
overseers
in respect
to excise
moneys.

§ 662. The overseers of the poor of the respective towns in said county of Montgomery shall apply the provisions mentioned in the first section of this act to the respective towns of the poor of said towns, and shall each year render under oath, a just and true statement of receipts and disbursements of said moneys to the boards of town and county respectively. § 2, same ch.

Amount
for tempo-
rary relief
to be en-
tered in a
book. See
ch. 681, 1866
and ch. 42,
1868.

§ 663. All temporary relief shall hereafter be applied for by the overseer of the poor of the town in which the applicant resides; and such overseer of the poor shall keep a book in which he shall enter the name of each person who shall apply for temporary relief, the date of the result of each application, the articles furnished (if any), and to what amount; and all such temporary relief furnished to any such indigent person or persons, including the pay of the overseer of the poor, and the cost of the same, shall be a town charge upon the town of which the person is a resident.

* "Supervisors" struck out, and "overseer of the poor" substituted therefor.



relieved is a resident; and such overseer of the shall keep a correct account and report the same to board of town auditors, in writing, at their annual meeting next preceding the annual town meeting in such in which report he shall set forth in detail, as above, doings in the premises for the preceding year; and board of town auditors shall audit the same and an account thereof as said board is now required by do of other town expenses; and the said accounts listed shall be levied, collected and paid in the same manner as other town expenses are now levied, collected and paid; and said report shall be filed with the town and by him publicly read to the people immediately after opening the polls at the annual town meeting and all temporary relief furnished to transient persons by the respective overseers of the poor.^a overseer of the poor^a furnishing such relief shall and render a correct account in detail of the same to board of auditors of county poor expenses, on the day of their annual meeting, to be audited and paid in the same manner as other county poor expenses are now to be paid. § 4, ch. 137, 1844, as modified by § 1, 1863.^b

CHAP. XXVIII.

NEW YORK COUNTY.

TITLE ONE.

relating to the Department of Public Charities and to certain other matters pertaining thereto, in New York. Sections 664-723.

TITLE TWO.

relating to certain benevolent societies and institutions in New York. Sections 723-882.

^a "Supervisor" struck out, and "overseer of the poor" substituted in lieu thereof.

^b § 1, ch. 137, 1844, all charges for the support of the poor in the county of Montgomery, except for chronic and incurable insane persons, shall be paid by the town where the relief is granted. See ante, § 537.

TITLE ONE.

RELATING TO THE DEPARTMENT OF PUBLIC CHARITIES, AND
TO CERTAIN OTHER MATTERS PERTAINING THERETO,
NEW YORK.

- SECTION 664.** Creation of department of public charities and correction in New York : chief officers of such department to be five commissioners ; reports to be made.
665. Commissioners, how appointed, their term, oath of office and official bonds ; vacancies in office, how to be supplied.
666. They to constitute board of control over the department, and majority of them to form a quorum ; almshouse department abolished ; expenses, how only to be made.
667. Commissioners to have control of institutions formerly under control of governors of almshouse.
668. Commissioners may appoint, remove and define duties of subordinates, and possess every power that the governors of almshouse possessed.
669. Comptroller of New York to pay moneys to department ; salaries of commissioners, how to be fixed ; no officer of department to be interested in contract for supplies, &c.
670. Who may and may not be detained in workhouse ; disorderly persons committed not to be transferred except in certain cases, or be discharged before term of commitment, except upon written order of committing magistrate.
671. Persons confined in workhouse, how to be employed ; punishment of convict or pauper for neglect or refusal to work.
672. Hours of labor ; department grounds to be cultivated ; proceeds to be paid to city chamberlain.
673. Commissioners may keep accounts with paupers ; services and profits of labor, and pay balance on their services upon their discharge.
674. Paupers and criminals to be kept separate.
675. Requisitions of subordinates to be in writing.
676. Officers to report weekly to board of commissioners and commissioners quarterly to the New York board of supervisors ; what such reports to contain.
677. Certain paupers in almshouse to be set to work.
678. Children in charge of the nurseries to be provided with suitable employment.
679. Board of commissioners may make rules and by-laws.
680. May enlarge or improve buildings under their charge and have power to lay out potter's field, burial vaults, &c.
681. Such board, or any one commissioner, may bind orphans.
682. Such board to make annual report to board of supervisors of New York county and to legislature ; what such reports to contain.
683. Money to be raised annually by board of supervisors

- SECTION 684.** Supervisors to appoint, annually, committee to visit department and report to governor of the state; power of governor to remove commissioner for misconduct in office.
685. Board of commissioners to appoint an attorney annually to the department; duties of such attorney and his compensation, how fixed.
686. So much of § 25, ch. 446 of 1857, as relates to almshouse department repealed.
687. How chapter 510 of 1860 to be construed with reference to other acts that are not inconsistent with such chapter.
688. Commissioners of public charities may purchase additional plat of ground for a public cemetery, and have custody of the same; the title thereto to be taken in name of the city.
689. City cemetery stock authorized.
690. Comptroller to issue such stock, and offer for sale to the highest bidder, but at not less than par value.
691. Proceeds of such stock to be received from comptroller by city chamberlain, who is to pay over same to commissioners.
692. Board of supervisors to raise money to pay principal and interest of such stock.
693. Commissioners of public charities to provide suitable rooms in New York, south of Canal street, for reception of sick and wounded.
694. Magistrates in New York to commit orphan and friendless children to the care of "The Shepherd's Fold of the Protestant Episcopal Church in the state of New York."
695. Commissioners of public charities may transfer certain orphan children to the care of such Shepherd's Fold.
696. Such commissioners authorized to maintain on Hart's Island an industrial school, and to commit children under their care to such school.
697. Hart's Island to be under control of such commissioners, and how it may be used by them.
698. Such commissioners to build an asylum for inebriates and to appoint surgeons and other officers of said asylum; to employ such physicians and assistants as may be necessary, and to fix their compensation.
699. Mode of providing for expenses for erecting and maintaining such asylum; excise moneys.
700. Commissioners to make all needful rules and regulations for the government of such asylum.
701. By whom and for what time inebriates may be committed.
- 702, 703. Proceedings before commitment; petition before judge, &c.
704. When warrant of commitment of inebriate to issue, and by whom warrant to be executed; term of commitment.
705. When inebriates may be temporarily committed.
706. Estate of inebriate liable for his support in asylum; commissioners may bring action to recover for such.
707. When persons may be transferred from almshouse and workhouse to the inebriate asylum.

- SECTION 708. When inebriates may be discharged before the time of their commitment shall have expired; how and by whom application for such discharge may be made.
709. Causes for which commissioners may discharge persons committed to such asylum.
710. A workhouse to be established.
711. Who may be committed to such workhouse, and the length of time such commitment may be made for.
712. Superintendent of such workhouse to be appointed.
713. Support and relief of the poor; the almshouse, lunatic asylum, &c., to be under control of commissioners.
714. Powers to manage institutions.
715. Persons committed by reason of drunkenness or debauchery, when may be detained and sent to the workhouse.
716. Magistrate in New York, in each case of commitment for vagrancy, to file in the clerk's office of the general sessions of the peace record of proceedings had.
717. How only person committed for vagrancy can be discharged before the expiration of his term of commitment.
718. Police justice violating provisions of chapter 268, 1835, guilty of a misdemeanor.
719. Inconsistent acts repealed.
720. Mayor, &c., of New York directed to create public fund or stocks, to be denominated "City Lunatic Asylum Fund," and to pledge the faith of the city and county for the redemption of the same.
721. When comptroller to prepare and issue such stock, and how same to be sold.
722. How proceeds of sale of said stock to be received and paid over.
723. Duty of New York county supervisors in respect to raising, by tax, interest and principal of such stock.

Department public charities and correction in New York.

Commissioners thereof.

Departments to report to mayor.

§ 664. There is hereby created in the city and county of New York, the department of public charities and correction. The chief officers thereof shall be [five]^a in number, and shall be denominated "commissioners of public charities and correction." § 1, ch. 510,^b 1860, as modified by § 80, art. 9, ch. 137,^c 1870. There shall be [besides other departments, the department of public charities and correction] in said city [of New York.] Part of § 30, art. 4, ch. 137, 1870. The said departments shall, at such times as the mayor may direct, make to him, in such form and under such rules as he may prescribe, reports of the operations and action of the same and each of them, and shall always, when required by him, furnish to him such

^a The word "four" omitted and the word "[five]" substituted in place thereof.

^b An act to create in the city and county of New York the department of public charities and correction, and to abolish the almshouse department therein. Passed April 17, 1860; three-fifths being present. By section 119 of art. 15, ch. 137, 1870, the terms of office of the commissioners of public charities and correction expired fifteen days from and after the passage of said last-mentioned chapter.

^c An act to reorganize the local government of the city of New York. Passed April 5, 1870; three-fifths being present.



ion as he may demand within such time as he
act. § 31, art. 4, ch. 137,^a 1870.

The department of public charities and correction
after be composed of and have for its head a
five persons, which board shall possess all the
and discharge all the duties, now conferred upon
partment by special laws and by the provisions of
five hundred and ten of the laws of eighteen
and sixty, and acts and parts of acts amendatory

Head of
such de-
partment,
how to be
composed;
appoint-
ment of
commis-
sioners by
mayor.

except as the same are modified or repealed by
visions of this act. The said commissioners herein
for shall be appointed by the mayor for the terms
ears respectively, and each of said commissioners
give the salary^b now designated to such office.

Terms of
office and
salary.

9, ch. 137, 1870. Whenever the mayor shall
in officer under this act, he shall give to the said
certificate of appointment, and therein design-
term for which such officer has been appointed.

Certifi-
cates of
appoint-
ment to
office.

rt. 15, ch. 137, 1870. The power of making
ents herein conferred shall only be exercised by
or elected to that office, and not by an acting
nd, in the event of the death, resignation or
of such elected mayor, such power shall devolve
e exercised by the comptroller of said city. In

Acting
mayor to
make no
appoint-
ments.

ny vacancy in any head of department or chief
ereof, it shall be filled for the full term in the
ner as if it were an original appointment to such
ept where herein otherwise provided for. § 107,
icle. Every person elected or appointed to any

Terms of
office.

der the city government shall, on or before the
of January next succeeding such election, or
ive days after notice of such appointment, take
rile, before the mayor, or any judge of a court
l, an oath or affirmation faithfully to perform the
his office; which oath or affirmation shall be
he office of the mayor. § 108, same article. All

Oath of
office.

rother persons, to whom the receipts or expendi-
the city, or fees or funds payable into the city
shall be intrusted, shall give sufficient security
ithful performance of their duty, in such form
unt as the comptroller may prescribe, which
shall be annually renewed. § 112, ch. 137, 1870.

Certain
officers to
give
security.

To be
renewed
annually.

24, 1870, see post; the provisions of §§ 114-120 of this code are
ad made applicable to the commissioners of public charities and

1, ch. 361, 1870, prescribes that the salary of the warden of the
city prisons shall be fixed at \$5,000 per annum, and that of the
f each prisons at \$3,000 per annum, each commencing January
4 that of James Donohue, clerk in the department of public
nd correction at \$3,500, to date from January 1st, 1870. By § 3,
same post, § 299, each commissioner is to receive an annual
\$300, and by § 6 of said last-mentioned chapter, as amended by
same post, § 299, the board of supervisors of New York county are
to fix the amount of salaries at a sum not exceeding \$5,000 for
1 commissioners.

Appoint-
ments and
removals
of chiefs
of bureau.

Clerks and
subordin-
ates.

Salaries.

Quorum of
boards.

Officers of
board.

Depart-
ment ex-
penses not
to exceed
appropria-
tions.

Common
council
may adopt
additional
ordinan-
ces,
upon ap-
plication
of depart-
ments.

Compensa-
tion.

Alms-
house de-
partment
abolished.

§ 666. The heads of all departments, except as otherwise specifically directed herein, shall have power to appoint and remove all chiefs of bureaus (except the chamberlain), as also all clerks, officers, employees and subordinates, in their respective departments. The number of all officers, clerks, employees and subordinates in every department, except the police and fire departments, with their respective salaries or compensation, shall be such as the head of each department shall designate and approve, except that the aggregate expense thereof shall not exceed the total amount duly appropriated by law to each department for such purposes. § 32, art. 4, ch. 137, 1870. A majority of a board in any department of the city government shall constitute a quorum to perform any act authorized to said department, and each board may choose, in its own pleasure, a president from its members to preside at board meetings, and a chief clerk. § 100, art. 15, ch. 137, 1870. No expense shall be incurred by any of the departments, or officers thereof, whether the object of expenditure shall have been ordered by the common council or not, unless an appropriation shall have been previously made covering such expense. § 101, same art. Whatever provisions and regulations, other than those herein specially authorized, may become requisite for the fuller organization, perfecting and carrying out of the powers and duties prescribed to any department by this act, they shall be provided for by ordinance of the common council, who are hereby authorized to enact such necessary ordinances; except that the common council shall never pass an ordinance in relation to regulating the internal affairs of any of the departments herein authorized, or the workings of any of the bureaus, or the duties of any of the subordinate officers of the corporation, or the number of persons to be employed in said department, nor increasing their salaries, except upon the previous application in writing therefor of the head of the department to be affected by said ordinance.* § 102, art. 15, ch. 137, 1870. Each of the commissioners shall receive an annual salary of three thousand dollars. From and after the twentieth day of April, one thousand eight hundred and sixty, the almshouse department of the city and county of New York, and the office of governor of the almshouse, shall be abolished, and thereupon the books, accounts, vouchers, records, and all property of whatever nature then or theretofore under management or control of, or in the keeping of, the said almshouse department, or any governor or subordinate thereof, shall

* By subs. 14 and 16 of § 21, ch. 137, 1870, the common council of New York is empowered to make ordinances and prescribe penalties in relation to street beggars, vagrants, mendicants, intoxication, and fighting and quarreling in the streets.

ferred to the keeping and custody of the board of the department of public charities and corporations hereby created, and for the use thereafter of said department; but the said property shall forever remain the property of the mayor, aldermen and commonalty of the city of New York, subject to the public use of said board of control as aforesaid, and for the purposes provided by this act. § 3, ch. 510, 1860.

Property
to belong
to the
mayor.

The department hereby created is hereby empowered and directed to possess and exercise full and complete powers for the government, management, maintenance and direction of the several institutions and buildings, premises and property and appurtenances, which, immediately preceding the appointment of our commissioners aforesaid, were under control of the board of governors of the almshouse, and especially of the almshouse and workhouse, of the nurseries for orphan and destitute children, and of the county lunatic asylum, and of the Potter's field, or other public burial ground for the poor and strangers in the city and county of New York, and especially, also, of the penitentiary and reformatory, and various prisons and houses of detention in the city, which are hereby particularly designated as institutions of the public correction and charities provided by this act. But the foregoing shall not relate to the house of refuge, nor the juvenile delinquent asylum, nor the house of detention of witnesses, nor the county jail. § 4, same ch.

To have
exclusive
control of
all institu-
tions and
buildings
formerly
under con-
trol of
governors
of alma-
house.

The department hereby created is hereby empowered, by its board of commissioners and of control as aforesaid, to appoint and remove, or by rules provide for the appointment or removal of, such subordinate officers as it may deem fit, for the purpose of distributing its said powers of government, management and direction as aforesaid, in conformity with the provisions hereinafter provided. The said board may define the respective duties and authority of said subordinates, their respective designations of office, and fix their respective compensation. And, until otherwise provided by the said board of commissioners, under the exercise of its power of appointment and removal aforesaid, but no other than the superintendents, wardens, chaplains, physicians, clerks and other subordinates who may be in office at the time, over or within the institutions aforesaid, shall be in office or place, and legally discharge all the duties and fulfill all the powers necessary thereto. And the said commissioners, respectively, and subordinate officers of the said department, shall generally possess every right and authority now conferred upon and be subject to every duty imposed upon the former almshouse commissioners or the board of ten governors, or the individual

May ap-
point and
remove
and define
duties of
subordin-
ates. See
ante, § 600.

To be sub-
ject to the
duties and
powers of the
authority
of govern-
ors of
alma-
house.

governors of the almshouse, by any law of the state, or by any ordinance, or by any resolution of the mayor, aldermen and commonalty of the city of New York, or board of supervisors of the county of New York, which power, authority and duty may affect or relate to the institutions aforesaid, or their inmates, or their officers, or the late almshouse department of the city and county of New York, and is not inconsistent with the provisions of this act. § 5, ch. 510, 1860.

Comptroller authorized to pay moneys to department of public charities in anticipation of action of supervisors and legislature, and issue revenue bonds therefor.

§ 669. The comptroller of the city of New York is hereby authorized and empowered, in accordance with the fiscal procedure heretofore established by chapter ten of the laws of eighteen hundred and sixty-five, to pay to the department of public charities and correction the amount of moneys lawfully appropriated to said department in each and every year whenever the same become due and payable, and between the first day of January and the passage by the board of supervisors, and the confirmation by the legislature of this state of the ordinance making the annual appropriation for the support of the government of the city and county of New York; and the said comptroller is hereby authorized and empowered to issue the revenue bonds of the said city and county, to raise such sum or sums of money as may be necessary to give effect to the foregoing provisions of this section. No moneys shall be expended by the said board, nor by any individual commissioner, nor by any of their subordinates, nor under their direction, for the fiscal purposes of the department hereby created, unless the proper appropriation for such expenditure of moneys has been made in the manner now provided by law. The board of supervisors of the county of New York shall have the power to fix the amount of salaries at a sum not exceeding five thousand dollars for each of the said commissioners, as well as to levy, in the manner now provided by law, the annual tax required for the fiscal purposes of this act. No commissioner nor subordinate of the department hereby created shall ever be, directly or indirectly, interested in any contract for supplies, or for any other purpose connected with any of the institutions or property under the control of the board of commissioners or subordinates, nor interested, directly or indirectly, in any arrangement by which any pecuniary benefit shall result to himself. § 6, same ch.; as amended by ch. 242, 1866.

Salaries of commissioners, by whom to be fixed, what amount not to exceed.

Officers not to be interested in contracts for supplies.

Persons committed to the city prison may be detained in work-house.

§ 670. It shall be lawful to detain in the work-house, for the purpose of employment therein, any person who shall have been duly committed to the city prison, the penitentiary or the almshouse; but it shall not be lawful for vagrants or paupers, or the recipients of the public charities of the department hereby created, unless they

been before convicted of crime, to be employed in any or in association with persons committed as id for offenses other than intoxication, or assault battery, not felonious. The board of commissioners id may transfer and commit, or cause to be transferred and committed, from the said city prison, penitentiary almshouse, to the said work-house, or to any of Blackwell's island as are set apart for purposes of criminal correction (subject to the prohibition of any and association aforesaid) the following classes of persons: persons committed for crime; persons in the use; persons applying for relief to the department created, providing their own consent to such transmittal be obtained; persons committed by rates as vagrants or disorderly persons. No person committed to the city prison in said city of New York for disorderly conduct shall be transferred from prison until after the expiration of forty-eight hours commitment. No person committed to the said city or the work-house for drunkenness or disorderly conduct shall be released or discharged from confinement until the expiration of the term for which he or she is committed, except upon reversal of judgment on appeal, or review by a court of superior jurisdiction. The magistrate making the commitment, without a written order directing such discharge be made and by the committing magistrate and one of the commissioners of public charities and correction. § 7, ch. 560; as amended by § 1, ch. 586, 1864.

Persons committed for disorderly conduct not to be transferred except, etc.

1. Every person whose age and health will permit be employed in getting out stone, or in cultivating lands under use of the department hereby created, manufacturing such articles as may be required for ordinary use of all the institutions under the control of said board of commissioners, preparing and building walls around the islands or other places upon the said public institutions now are or may hereafter be located, or at such mechanical or other labor as it shall be found to suit the capacity of the individual.

Persons confined in work-house, how employed.

It shall be the duty of the department to use proper means to furnish convicts and paupers with employment by contract; such employment, however, not to conflict or come into competition with mechanical or other employment pursued by the State of this state. And in case any convict or pauper neglect or refuse to perform the work allotted him or her, by the person in charge, it shall be the duty of the proper subordinate to punish such convict or pauper by confinement, by being fed on bread and water only, for such length of time as may be con-

Punishment for neglect or refusal to work.

	sidered necessary; which refusal and punishment shall forthwith be reported to the board of commissioners. And in case any pauper shall refuse or neglect to perform the work assigned to him or her on three several occasions, the said board may expel such pauper from the almshouse. § 8, ch. 510, 1860. § 672. The hours of labor shall not exceed ten per day to each person subject to the discipline of the department, and shall be fixed by the said board of commissioners; and the articles raised or manufactured shall be subject to the order, and placed under the control, of said commissioners. All the grounds occupied by the department hereby created, or under the jurisdiction of the said board of commissioners, not otherwise occupied, and which are capable of cultivation, shall be used for agricultural purposes, and improved in such manner as will yield the greatest revenue to the department; and the proceeds arising from the sale of articles thus raised shall be paid monthly into the hands of the board of commissioners, and be by them paid over to the city chamberlain and a memorandum thereof filed with the department of finance of the city and county of New York. § 9, same ch. § 673. The said board of commissioners may open in its discretion an account with all paupers committed to the said work-house, charging them with all the expenses incurred by the city for their board and maintenance, and crediting him or her with a fair and reasonable compensation for the labor performed by such pauper; and at the expiration of the term of sentence, if any balance shall be found to be due to them, may pay the same to such pauper, in cash, at the time of their discharge, in the discretion of the board. § 10, same ch. § 674. It shall be the duty of the said board of commissioners to cause to be kept and employed, separate and apart from each other, the paupers and criminals, and as far as possible to cause the latter to be classified, so that the novice in crime may not become contaminated by the evil example of, or by association and contact with, the more hardened and confirmed. § 11, same ch. § 675. Each superintendent, each warden or chief officer of the several institutions under charge of the departments hereby created, shall make his requisitions in writing, on the said board of commissioners, for all articles deemed necessary by the said board, to be used in the respective institutions under his charge, and shall keep an accurate account of the same. § 12, same ch. § 676. Each said superintendent, warden or chief officer shall, once in each week, report to the said board of commissioners the number of persons received, transferred, sick, died, and remaining in the respective institutions.
Hours of labor.	
Department grounds to be cultivated and revenues how disposed of.	
May open account with paupers.	
Paupers and criminals to be kept separate.	
Requisition of subordinates to be in writing.	
To report weekly.	

their charge; also the quantity and kind of labor required; and the said board of commissioners shall quarterly report thereof to the board of supervisors of the county of New York. § 13, ch. 510, 1860.

7. The officer having charge of the almshouse shall send all paupers residing in the almshouse, capable of performing any work, and not otherwise employed, to work-house, or such other of the institutions, the city and penitentiary exempted, where they shall be such labor as the chief officer thereof may be authorized by the board of commissioners to direct. § 14, ch. 510.

Certain paupers in almshouse to be transferred to work-house.

8. It shall be the duty of the officer in charge of the almshouse to provide suitable employment for all the paupers under his care, under such regulations and provisions as are hereinbefore provided for, in reference to the same. § 15, same ch.

Children to be employed.

9. The said board of commissioners shall be authorized to make, from time to time, such rules and by-laws for the management and government of the department created, and especially of each institution, as may seem to them necessary, and which shall not be inconsistent with the provisions of this act, nor contrary to law. § 16, same ch.

Commissioners may make rules and by-laws.

10. The said board of commissioners shall, whenever necessary, for the increase of inmates in, or the proper care and government of, the institutions or establishments on Randall's island, or Blackwell's island, or the Bellevue hospital, under their charge, or any other of them, shall, in their discretion, render it necessary or expedient, have power to add to or alter the buildings belonging to such institutions, or any one of them, and to erect other buildings on said islands, or within the inclosure of Bellevue hospital, for the uses and purposes of said institutions, or any one of them. The said board of commissioners shall have power to lay out Potter's field, to make inclosures therein, to build vaults therein, and to provide all necessary labor therefor, and for interments therein. The said board of commissioners shall also have power to make all needful repairs to buildings or property under their control. § 17, same ch.

May add to or improve buildings.

And have power to lay out Potter's field, etc.

11. The said board of commissioners, or any one of them, shall have power to indenture and bind as apprentices during their minority, any minor child who may be under their care and control by virtue of the provisions of this act, or of any other act of the legislature, in the forms and with the provisions now prescribed by law; and the board, or any commissioner,

May apprentice and bind out children.

shall have power, in their discretion, to cancel such indentures; and they may bind out such children for the employment of farming, or any useful art or trade, to citizens of the adjoining states. § 18, ch. 510, 1860.

To make annual report to New York supervisors and legislature. See post, § 1240.

§ 682. The board of commissioners aforesaid shall annually, in the month of January in each year, make to the board of supervisors of the county of New York, and the legislature of the state, a full report of their proceedings, and of the condition of the department of public charities and correction hereby created, and of all its receipts and expenditures of the preceding year. § 19, same ch.

Moneys required for purposes specified in this act to be raised by tax annually.

§ 683. The board of supervisors of the county of New York shall and are hereby empowered to annually raise and collect by tax, upon the real and personal property taxable in said city and county, such sum of money as said board of commissioners shall, from time to time, require for the purposes of this act, to be applied by said board of commissioners exclusively to said purposes, and to be accounted for by the said board of commissioners; which sum shall be in lieu of all taxes in said county for the relief and support of the poor thereof, and for the support and expenses of the county criminals. § 20, same ch.

Power of supervisors to visit and report to governor.

Power of governor to remove commissioner.

§ 684. The board of supervisors of the county of New York shall have power, by committee, to visit and inspect the department hereby created, and the institution under its control, and report the same to the governor of the state, who shall have power to remove any commissioner of the said department, against whom charges of misconduct in office may be established, under the provisions of law relating to sheriffs. § 21, same ch.

Attorney to be appointed annually.

§ 685. The board of commissioners hereby appointed shall, annually, appoint an attorney to the department hereby created, who shall perform such duties of a legal nature as the said department may require, and whose compensation shall be fixed by said board of commissioners. § 22, same ch.

Act of April 14, 1857, repealed.

§ 686. So much of section twenty-five of an act (chap. 446) entitled "An act to amend the charter of the city of New York," passed April fourteenth, eighteen hundred and fifty-seven, as relates to or affects the almshouse department of said city is hereby repealed. § 23, same ch.

How act to be construed with reference to other acts.

§ 687. Wherever, in any act or ordinance not inconsistent with the provisions of this act, but applicable thereto, the words "almshouse department of the city of New York" shall occur, it shall be taken to mean and refer to the department hereby created, and in like manner the

* Ch. 446, 1857, repealed by § 120, art. 15, ch. 137, 1870.



"governor or governors of the almshouse" shall be to mean the commissioner or commissioners provided for by this act; and all provisions of law or of ordinances which are inconsistent with this act are hereby repealed. § 24, ch. 510, 1860.

58. The commissioners of public charities and correction of the city of New York are hereby authorized to lease for, and take title to, in the name of the corporation of said city, any plot of ground within the boundaries of this state and at a convenient and accessible place from the upper part of said city, and which plot, in the opinion of said commissioners, may be large enough suitable for a public cemetery or burial ground equal to the plots now used by them for such purposes.

Commissioners of public charities may purchase burial ground for pauper dead.

Provided, that the expense of said purchase shall not exceed seventy-five thousand dollars, and the custody and management of said cemetery or burial ground shall be held under the provisions of law creating the department of public charities and correction in said city. L. 177, 1868.

Maximum cost. Custody of burial ground.

59. The mayor, aldermen and commonalty of the city of New York are hereby authorized and directed to set apart a public fund, or stock, to be denominated "city cemetery stock," for an amount not exceeding seventy-five thousand dollars, which said stock shall bear date on the first day of August, eighteen hundred and sixty-eight, shall bear interest at and after the rate of seven per cent per annum, payable semi-annually, and be redeemable on the first day of August, eighteen hundred and eighty-eight. The said mayor, aldermen and commonalty, being hereby authorized and directed to pledge the credit of the city and county, and the same is hereby legally pledged, for the redemption of the said stock, in several parts thereof, when the same shall become due and redeemable, under the provisions of this act, by tax upon the estates, real and personal, in the city of New York, subject to taxation.* § 2, same ch.

City cemetery stock authorized.

60. The comptroller of said city of New York shall, within thirty days after being required in writing by said commissioners so to do, prepare and issue the said stock provided in the preceding section, in an amount to be determined by said commissioners, and not exceeding said sum of seventy-five thousand dollars, and offer the same by public sale, such offer to be by advertisement, in not less than five newspapers published in the city of New York, of the greatest circulation, and continued for not less than ten days and more than thirty days; at the expiration of which time, said stock shall be awarded to the

Comptroller to issue stock and offer same for sale to highest bidder.

* to authorize additional facilities for the interment of pauper dead in the city of New York. Passed April 11, 1868.

Proceeds
to be de-
posited
with
chamber-
lain.

highest bidder therefor, and the proceeds thereof shall be forthwith deposited with the chamberlain of said city to the credit of the commissioners appointed under this act. The said comptroller shall determine what shall be the amount or value of said stock per share, and of what number of shares the same shall consist; but he shall not be authorized to dispose of any of the same at a less rate than its par value. § 3, ch. 177, 1868.

Duty of
city cham-
berlain.

§ 691. The chamberlain of the city of New York shall receive from said comptroller, as above specified, the proceeds of said stock, and shall pay over the same in such sums, and to such persons, as said commissioners, or a majority of them, shall direct in writing. § 4, same ch.

Board of
supervis-
ors to raise
annual tax
to pay
principal
and inter-
est of
stock.

§ 692. The board of supervisors of the county of New York shall cause to be raised by tax, in addition to the ordinary taxes, yearly and every year, a sum sufficient to pay the interest semi-annually upon the stock provided for by this act, and for the payment of the same at the maturity thereof. § 5, same ch.

Wounded
persons in
New York,
treatment
of.

§ 693. The commissioners of public charities and correction of the city of New York are hereby directed to provide suitable rooms or wards in that part of the city of New York south of Canal street, for the reception and medical and surgical treatment of persons wounded or taken ill in the streets of said city, who may not be safely moved to a hospital or their homes. § 1, ch. 376, 1869.

Powers of
magis-
trates to
commit
orphan
and
friendless
children.

§ 694. The several magistrates in the city of New York are hereby authorized to commit to the care and charge of the trustees of "The Shepherd's Fold of the Protestant Episcopal Church, in the State of New York," such orphan and friendless children as may come under their jurisdiction and who are eligible, as by the charter and constitution of said society. § 1, ch. 775, 1868.

Commis-
sioners of
public
charities
and cor-
rection
may make
transfer of
orphan
and
friendless
children.

§ 695. The commissioners of the public charities and correction of the city of New York are hereby authorized to transfer to the care and charge of "The Shepherd's Fold of the Protestant Episcopal Church of the State of New York," such orphan and friendless children who are eligible, as by the charter and constitution of said society. § 2, same ch.

Industrial
school au-
thorized.

§ 696. The commissioners of public charities and correction of the city of New York are hereby authorized to maintain on Hart's island, now the property of the city and county of New York, an industrial school; and in connection therewith are authorized to employ and use the labor of any person from any of the public institutions committed to their charge, and the said commissioners are hereby authorized to commit to, and place in, said industrial school any of the children who may be com-

Commit-
ments to
industrial
schools
and labor
therein



ted to their care, pursuant to any provisions of law heretofore or hereafter made. § 1, ch. 238, 1869.

§ 697. Hart's island shall be deemed to be and shall be under the control of the said commissioners of public charities and correction, and may be used by said commissioners for any and all purposes deemed by them to be expedient and proper, and all laws applicable to the officers and jurisdiction and control of the said commissioners of public charities and correction which are applicable to the other premises, buildings, and institutions under their charge, shall be deemed to apply to said Hart's island, and all buildings and erections which may for any purpose or purposes be placed and maintained under the control of said commissioners upon said Hart's island. § 2, ch. 238.

Hart's island to be under control of commissioners.

§ 698. The commissioners of public charities and correction are hereby authorized and empowered to erect, establish and furnish upon the land belonging to the city of New York, now under the control of said commissioners, a building or buildings to be known as the asylum for inebriates, and to build and construct all such appurtenances thereto, as in the judgment of said commissioners may be necessary and proper. The said commissioners are also authorized and empowered to appoint and employ all such physicians, surgeons, officers and attendants as may be necessary and proper for the management and direction of said asylum, and the care of the inmates thereof, and to fix the compensation of such employees, in the same manner and with the same power as in respect to the persons employed in the institution heretofore placed under the control of said commissioners. § 1, ch. 141, 1864.

Commissioners of public charities to build inebriate asylum.

Appoint physicians etc.

To fix compensation.

§ 699. The necessary expense of erecting and constructing such asylum and its appurtenances, and of maintaining the same, shall be provided for in the same manner as the expenses of the other institutions heretofore placed under the control of the said commissioners, and said commissioners are hereby authorized to receive from the board of excise, from time to time, twelve per cent of the aggregate amount of moneys received in each and every year by said board of excise, from and after April 1, eighteen hundred and sixty-seven, for license fees received for licenses granted in the city and county of New York; and said board, upon application of the said commissioners, are hereby authorized and directed to pay over, from time to time, to said commissioners such percentage, which moneys shall be strictly applied by said commissioners to the building, maintenance and

Part of excise moneys to be paid over.

An act to establish an asylum for inebriates in the city of New York, to provide for the government thereof. Passed April 5, 1864.

Saving clause as to state inebriate asylum.	support of said asylum, and duly accounted for in their annual report. But nothing in this act contained shall be construed to divert from the state inebriate asylum, or interfere with the proportion of said license fees set apart for said institution by existing laws. The said commissioners are authorized to demand and receive all fines imposed for intoxication or disorderly conduct in the city of New York, which fines, without any deduction, shall be paid over monthly by the magistrate, clerk or other person who receives the same, to the said commissioners, and shall be by them applied and accounted for as other moneys received by virtue of this act. § 2, ch. 141, 1864; as amended by ch. 470, 1867.
Penalties.	§ 700. The said commissioners shall make all needful rules and regulations for the government of said asylum, and shall provide for the proper support and maintenance of the inmates thereof, and especially for such medical treatment as will be effectual for, or tend to, the curing of such inmates of the habits of inebriety and diseases induced thereby, and they shall have full power and authority to regulate and control the inmates of said asylum, and to establish such provisions for moral and sanitary discipline as they may deem expedient. § 3, ch. 141, 1864.
Duty and powers of commissioners.	§ 701. The justices of the supreme court, in the exercise of their jurisdiction within the city of New York, the justices of the superior court of said city, and the judges of the court of common pleas in and for the county of New York, shall have power to commit to the said inebriate asylum, for a term not to exceed two years, all persons who, being actual inhabitants of the said city, shall be incapable or unfit for properly conducting their own affairs, in consequence of habitual drunkenness. § 4, same ch.
By whom, for what time inebriates committed to asylum.	§ 702. Such commitment shall be made by any of said justices or judges, in any case where the facts referred to in the last preceding section (section 701) of this act, shall be made to appear by petition or complaint duly verified and presented by any relative of such habitual drunkard, or by the commissioners of public charities and correction, or any officer of the metropolitan police doing duty within said city, and upon return of a commission issued upon such petition or complaint. § 5, ch. 141, 1864.
Proceedings before commitment.	§ 703. Upon the presentation of such petition or complaint, the justice or judge to whom the same shall be presented shall proceed thereupon in the same manner as is directed in title two of chapter five of part two of the Revised Statutes of the State of New York, in relation to the care and custody of the persons and estates
Petition before judge.	

insane, lunatics, persons of unsound mind and drunkards, and according to the rules and practice of the said court in such cases. § 6, same ch.

14. Upon becoming satisfied by return of a commissioner heretofore provided, that any person is an habitual drunkard and incapable, in consequence thereof, of conducting his or her own affairs, said justice or judge shall have power, in his discretion, to issue his warrant, committing the person so found to be an habitual drunkard to the custody of the said commissioners of public charities and corrections, to be detained in the said asylum for such period, not exceeding two years, as the said justice or judge may deem proper, and such warrant shall be executed by any member of the metropolitan police, upon the request of said commissioners or one of them.

Justice or judge to issue warrant.

By whom warrant shall be executed.

Any such warrant, duly issued, shall be full and complete justification for all acts done, by any properly authorized officer, under and in accordance therewith. § 7, same ch.

15. Any justice or judge before whom proceedings are pending under the provisions of this act may, upon the filing of any complaint, and when in his judgment the circumstances of the case render it proper so to do, commit to the custody of the person charged with being an habitual drunkard to the said asylum while proceedings on such complaint are pending, and all persons so temporarily committed shall be discharged from said asylum, if, on the return of a commissioner, it shall be determined that they are proper persons to be detained. § 8, same ch.

When inebriate may be temporarily committed.

16. The estate of any person committed to such asylum, and the person committed, shall be liable for the support of such person therein, and the committee of the said asylum shall pay out of his estate such reasonable and proper sum as shall be fixed by the justice or judge ordering the commitment. The said commissioners of public charities and correction shall have authority to bring and maintain actions, in any court of competent jurisdiction, against the committee or guardian of the estate of any person committed to said asylum, or against any person so committed, for the support and maintenance of such person while in said asylum.

Estate of inebriate liable for his support in asylum.

Commissioners may bring action.

17. Such actions may be brought by said commissioners in the name of the "board of commissioners of public charities and correction;" but all recoveries had by such actions shall inure to the city of New York, and the moneys collected thereon shall be received by said commissioners, and accounted for in the same manner as other moneys which they are by law authorized to receive. § 9, ch. 141, 1864.

To account for moneys received.

When persons may be transferred from alms and work-house to asylum.

§ 707. It shall be lawful for the said commissioners of charities and correction to transfer from the almshouse and work-house under their control, to said inebriate asylum, any persons committed to the almshouse or work-house, who, in the judgment of said commissioners, shall be fit and proper subjects for the said asylum, and in their discretion to return such persons to the almshouse or work-house; provided, however, that no person shall by reason of such transfer be restrained of his liberty for a longer term than required by his original sentence or commitment. § 10, same ch.

When inebriates may be discharged from asylum.

§ 708. Any person committed to the said asylum, by order of any justice or judge as heretofore provided, may be discharged therefrom at any time before the expiration of the time for which such person was committed, upon the order of any justice or judge having jurisdiction as herein provided, upon such justice or judge being satisfied that such person is cured and fit to be released. Application for such discharge may be made by any person, provided, however, that previous notice of such application shall be given in writing to the said commissioners of public charities and correction. Upon any such application being made, the justice or judge receiving the same shall proceed in the same manner as upon writs of habeas corpus. § 11, same ch.

Mode of discharge.

Causes for which commissioners may discharge.

§ 709. The said commissioners shall have authority, at any time, to discharge from said asylum any person committed thereto, for the following causes, viz.:

1. That such person is cured.
2. That such person is incurable, and incapable of being permanently benefited by the treatment and discipline of said asylum.
3. That such person has failed to pay for his support therein, or has been guilty of vicious conduct prejudicial to the good order and discipline of the institution. § 12, same ch.

Work-house in New York.

§ 710. There shall be established a work-house, for the employment of persons committed to the city prisons,

§ 1. It shall be lawful for the mayor, aldermen and commonalty of the city of New York to raise by loan a sum not exceeding seventy-five thousand dollars, by the creation of a public fund or stock, which shall bear an interest of not exceeding six per cent per annum, and shall be redeemable in the year 1870. § 1, ch. 238, 1850.

§ 2. It shall be lawful for the mayor, aldermen and commonalty to determine what shall be the nominal amount or value of each share of said stock and of what number of shares the same shall consist; and they are hereby authorized to sell and dispose of such shares at public auction, or private sale, or by subscription for such stock, and on such terms as they shall think proper. § 2, same ch.

§ 3. The moneys to be raised by virtue of this act shall be applied and expended to and for the purpose of building or erecting a workhouse building or buildings within the county of New York. § 3, same ch.

§ 4. It shall be lawful for the board of supervisors of the city and county of New York, and they are hereby authorized and empowered, to order and cause to be raised, by tax on real and personal estate subject to taxation in the said city, a sum in addition to such sums as may be directed by law to be raised by tax in said city, sufficient to discharge the interest of any loan or loans which may be made under this act. § 4, same ch.

atiary and almshouse in the city of New York.
 L. 413, 1849.

11. The [commissioners of public charities and cor-
 rection] may commit from the almshouse to the work-
 house any and all persons who now are or may hereafter
 be committed to such work-
 the almshouse; and also any and all persons apply-
 them for relief, and who are willing and desirous
 to be committed; and all magistrates in said city may
 be committed; and all magistrates in said city may
 re hereby authorized to commit any and all such
 as shall apply to them, or be committed as va-
 , to said work-house, for any period of time not less
 three nor more than twelve months; provided, how-
 hat the inmates of said almshouse may, at any time
 us to such commitment, have the privilege either
 to be committed to such work-house or be committed as aforesaid.
 L. 413, 1849; as modified by ch. 510, 1860.

112. There shall be appointed by the [said commis-
 sioners] a person who shall be known and designated as
 superintendent of the work-house, who shall, under
 the direction of the said commissioners, have the exclusive
 management and superintendence of the said work-house; he
 shall hold his office during the pleasure of the said com-
 missioners, and shall receive such compensation as they
 may designate. § 3, same ch.; as modified by ch.
 510, 1860.

113. [The department of public charities and correc-
 tion of the city and county of New York] including
 the almshouse proper, and the support and relief
 of the poor, the county lunatic asylum, and the nurseries
 for and destitute children, the penitentiary, the city
 jail, and Bridewell, and the other prisons and houses
 of correction in said city, with the hospitals connected
 with [except the county or sheriff's jail, the house
 of refuge, the juvenile asylum, and the house of deten-
 tion of witnesses] shall hereafter be under the exclusive
 management and management of the [commissioners of public
 charities and correction]. § 1, ch. 246, 1849; as modified
 by ch. 4, 5 and 24, ch. 510, 1860.

114. Said [commissioners of public charities and
 correction] shall have the full and exclusive power to
 manage and direct the several institutions herein-
 before mentioned; to appoint such wardens, chaplains,
 assistants and clerks as may be necessary; to define
 the respective duties and authority; to prescribe the
 order and duties of the various subordinates to be em-
 ployed therein, and to fix the amount of their compen-
 sation, and shall generally possess all the power and

Who may
 be com-
 mitted to
 such work-
 house.

Superin-
 tendent
 of work-
 house to be
 appointed.

Support
 and relief
 of the
 poor; the
 alms-
 house,
 lunatic
 asylum,
 etc., to be
 under con-
 trol of
 commis-
 sioners.
 See ante, §§
 667, 668, 669.

Power of
 the com-
 missioners
 to manage
 the insti-
 tutions.
 See ante,
 § 668.

words "commissioners of public charities and correction," or the
 "commissioners," appearing in this section, are substituted for the
 words "governors of the almshouse," or the word "governors," etc., etc.

authority heretofore by law conferred, and be subject to the duties heretofore imposed, on the commissioner of the almshouse in said city, the common council of said city, and the board of supervisors of said county, in respect to the said department and the said institutions. § 4, ch. 246, 1849; as modified by ch. 510, 1860.

Persons who have contracted disease by reason of drunkenness or debauchery may be detained and sent to work-house. See ante, § 687.

*§ 715. It shall be lawful for [the said commissioners] and the said [commissioners] shall have power in relation to all persons who shall hereafter be committed to any institution under their charge as vagrants by reason of their being persons who shall have contracted infectious or other disease, in the practice of drunkenness or debauchery, requiring charitable aid to restore them to health, after the same shall have been under medical treatment sufficiently cured to be discharged, or to work or labor, in their discretion to detain such person or persons, and transfer or commit them to the work-house, until from the proceeds of their work and labor there shall have been received by said [commissioners] beyond the charge of their support while in said work-house a sum sufficient to re-imburse all the expenses of their charge and cure while under medical treatment as aforesaid; provided, that under this section no such person shall by said [commissioners] be detained or committed to said work-house for a longer period than six months. § 9, ch. 329, 1850; as modified by ch. 510, 1860.

Vagrants in New York, duties of justice committing.

§ 716. The police justices of the city of New York shall, in every case of commitment for vagrancy, file or cause to be filed in the office of the clerk of the court of general sessions of the peace, in and for the city and county of New York, a record of the proceedings had before them, or either of them, and such record shall contain, as part thereof, the proofs or confession taken by such justice, together with the prisoner's examination. Which record shall be substantially in the following form:

Form of certificate.

The undersigned, one of the police justices of the city of New York, hereby certifies that A. B. was this day brought before me on a charge of being a vagrant, or [or his own confession of being a vagrant, as the case may be], and that upon diligent inquiry and examination made of the charge so preferred against the said A. B. and upon the proofs and the examination of the said A. B., hereto annexed, it appearing that the said A. B. is vagrant within the provisions of the statutes in such case made and provided; therefore I, the said justice, did adjudge, and thereupon I, the said justice, by warra

* See note on the preceding page.

under my hand and seal, committed him, the said A. B., so adjudged to be a vagrant as aforesaid, to the [penitentiary, work-house or almshouse, as the case may be].

In witness whereof, I, the said justice, have hereunto set my hand and affixed my seal, this day of
A. D. 185 .

C. D., police justice. [L. s.] § 1, ch. 268, 1855.*

§ 717. No person committed to the penitentiary, work-house or almshouse as a vagrant as above directed shall, unless upon a writ of habeas corpus or certiorari, except by an order of the [commissioners of public charities and correction], be discharged before the expiration of the term for which he was so committed. § 2, ch. 268, 1855; as modified by ch. 510, 1860.

Discharge
of prisoner

§ 718. Any police justice violating any of the provisions of this act shall be deemed guilty of a misdemeanor. § 3, ch. 268, 1855.

Police justice, when
deemed
guilty of
misdemeanor.
Repeal.

§ 719. All acts and parts of acts inconsistent herewith are hereby repealed. § 4, same ch.

§ 720. The mayor, aldermen and commonalty of the city of New York are hereby authorized and directed to create a public fund or stock, to be denominated "City lunatic asylum stock," for an amount not exceeding three hundred thousand dollars, which said stock shall bear date the first day of August, eighteen hundred and sixty-nine, and shall bear interest at the rate of seven per cent per annum, payable semi-annually, and to be redeemed on the first day of August, eighteen hundred and eighty-nine. The said mayor, aldermen and commonalty being hereby authorized and directed to pledge the faith of the city and county, and the same is hereby specifically pledged, for the redemption of the said stock and the several parts thereof when the same shall become due and redeemable under the provisions of this section, by tax upon the estates, real and personal, in the city of New York subject to taxation. § 1, ch. 56, 1869.^b

"City lunatic
asylum
stock" au-
thorized.

Rate of in-
terest, and
when pay-
able.

Common
council
may pledge
faith of
city for re-
demption.

*An act to amend an act entitled "An act requiring the police justices in the city of New York to file records of all convictions of vagrancy," passed April twelfth, one thousand eight hundred and fifty-three. Passed April 10, 1855.

^bAn act to provide additional buildings for lunatics in the city of New York. Passed March 17, 1869. Sections one and two of ch. 120, 1870, are as follows:

SECTION 1. The mayor, aldermen and commonalty of the city of New York are hereby authorized and directed to raise by loan, in the manner provided in the act chapter fifty-six, laws of eighteen hundred and sixty-nine, a further sum of four hundred thousand dollars, for the construction and completion of a lunatic asylum on Ward's Island, now being erected by the commissioners of public charities and correction of the city of New York.

§ 2. All the provisions of the act to which this act is an addition shall apply to the said sum of four hundred thousand dollars hereby authorized to be raised, and stock shall be issued therefor, and provision shall be made for the disposition and redemption thereof, and the payment of interest thereon, in the same manner and with like effect as if such further sum had been introduced in and authorized by the said original act.

When
comptrol-
lers shall is-
sue stock.

Sale of
stock to
highest
bidder.

Notice of
sale.

Value of
shares of
stock.

Not to be
sold for
less than
par value.

For what
purpose
chamber-
lain to pay
over pro-
ceeds.

Supervis-
ors to raise
tax for in-
terest and
principal.

§ 721. The comptroller of said city of New York shall, within thirty days after being required in writing by the commissioners of public charities and correction so to do, prepare and issue the said stock specified in the preceding section (section 720), in amount to be specified by said commissioners, and not exceeding the said sum of three hundred thousand dollars, and offer the same for sale, such offer to be by advertisement in not less than three newspapers published in the city of New York of the largest circulation, for not less than twenty days and more than thirty days; at the expiration of which time said stock shall be awarded to the highest bidder therefor, and the proceeds thereof shall be forthwith deposited with the chamberlain of said city to the credit of said commissioners of public charities and correction. The said comptroller shall determine what shall be the amount or value of said stock per share and of what number of shares the same shall consist, but he shall not be authorized to dispose of any of the same at a less rate than its par value. § 2, same ch.

§ 722. The chamberlain of the city of New York shall receive from said comptroller, as above specified, the proceeds of said stock, and shall pay over the same in such sums and to such persons as said commissioners or a majority of them shall direct in writing, but only for the purpose of providing additional buildings for the reception and care of lunatics in said city. § 3, same ch.

§ 723. The board of supervisors of the county of New York shall cause to be raised by tax, in addition to the ordinary taxes, yearly and every year, a sum sufficient to pay the interest semi-annually upon the stock provided for by this act, and for the payment of the same at the maturity thereof. § 4, same ch.

TITLE TWO.

RELATING TO CERTAIN BENEVOLENT SOCIETIES AND INSTITUTIONS IN NEW YORK.*

SECTION 724. New York Juvenile Asylum, its objects.

725. Corporation to procure sites and erect buildings; when such asylum to embrace.

*The board of supervisors of the city and county of New York shall levy and collect by tax, in the year one thousand eight hundred and seventy, and every year thereafter, at the same time and in the same manner as the contingent charges and expenses of said city and county are levied and collected, and shall pay over to the "Union Home and School for the Education and Maintenance of the Children of Volunteers" the sum of sixty dollars for each child under five years of age; seventy-five dollars for each child over five and under ten years of age; one hundred dollars for each child over ten years of age (according to the ages of the children in the institution), per annum; and in like proportion for any fraction of a year for each and every destitute child which may be supported and maintained in said institution. But the number of children for whom money is drawn under the provisions of this act shall in no case exceed four hundred in any one year. § 1, ch. 309, 1870.

- 726. Whom it may receive under its care.
- 727. Form of surrender of child by parent or guardian.
- 728. Who may be committed to its care ; form of commitment.
- 729. Order of commitment, how to be executed.
- 730. Notice of magistrate to parent or guardian of child.
- 731. When superintendent of the house of reception to post up notice of such commitment ; form of such notice.
- 732. How such notice to be served by policemen ; how his report of service to be made to magistrate ; record of such service to be made ; when child to be surrendered up, and when order of commitment is final.
- 733. Proceedings in case of idle, vagabond children ; magistrate may give juvenile asylum exclusive control of such children ; when bonds may be required from parents of such children.
- 734. Certain children who desert home, not under control of parents, or have bad associates, may be committed to care of such asylums.
- 735. Second arrest of child.
- 736. When child may be discharged by corporation.
- 737. Corporation may return child to magistrate, or turn it over to commissioners of public charities, and commissioners shall have power to receive such child.
- 738. Corporation may bind out children ; duty of courts committing to ascertain age of child, &c.
- 739. Indentures not to be assigned, unless by consent of managers of asylum ; proceedings in case master dissatisfied.
- 740. Child, how to proceed in case of cruel or bad treatment on part of the master.
- 741. Child bound out not to be prohibited from following trade after expiration of service.
- 742. Security given contrary to foregoing section, 741, void.
- 743. Indenture may, with consent of child, approved by the board of managers, be assigned upon death of master.
- 744. Board of directors of asylum to be guardians of children bound or held to service ; their duties in respect thereto ; master to report to board semi-annually ; what such report to contain.
- 745. Such board to report annually to legislature and common council of city of New York.
- 746. Common council to visit asylum twice a year.
- 747. Pecuniary means for the support of such asylum, how to be provided.
- 748. Supervisors to raise, by tax, a sum for each child supported at asylum.
- 749. Children chargeable to emigration fund to be received in such asylum ; pay to such asylum therefor.
- 750. Schools maintained by such asylum to participate in the distribution of the common school fund.
- 751. Managers of society for the reformation of juvenile delinquents.
- 752. Vagrant children, when may be committed to house of refuge.

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- SECTION 753. Duty of courts to ascertain age of juvenile delinquents committed or sent to house of refuge.
754. When managers to ascertain age.
755. When children are deemed disorderly.
756. When magistrate may issue warrant.
757. When magistrate may commit child to house of refuge on complaint of parent or guardian.
758. Society for the reformation of juvenile delinquents authorized to establish a school-ship, and to purchase vessels for that purpose.
759. To employ officers and superintendents, and to make rules regulating the government of such ships.
760. And may have control of such ship, and transfer, from the house of refuge, boys on such ship for instruction, &c.
761. Children's aid society, of New York, authorized to hold property.
762. Treasurer of the metropolitan board of excise, on 1st of October, 1869, to pay to such society \$20,000, to be applied to the support of the boys' and girls' lodging houses, and such society to present annual report to the legislature, &c.
763. Board of supervisors to raise by tax, annually, a certain amount, and pay the same to the children's aid society, for said society to apply to care and education in industrial schools, &c.; society to report annually.
764. Industrial schools established under children's aid society to participate in the common school fund.
765. Amount to be received by tax annually for use of children's aid society.
766. Objects of the New York infant asylum.
767. Said corporation empowered to procure and erect asylum and house of reception.
768. What children may be taken and received under the care and management of such corporation.
769. How children to be intrusted by parents, guardians, nearest relatives, to such asylum.
770. Action by said asylum relative to deserted children two years or under.
771. Notice to be given by superintendent of house of reception of such society, relative to deserted children.
772. Proceedings when child is claimed; when child may be remanded to custody of such corporation.
773. Time in which children are to remain in custody of such society.
774. In what cases children to be restored to parent guardian by such society.
775. In what cases children may, by such corporation, be delivered over to competent authority.
776. When such society may bind out children.
777. Assignment of indentures of a child bound out cannot be, without the consent of such asylum.
778. Death of the master or his assignee to have the effect of annulling the indentures.
779. When the indenture may be canceled.

- SECTION 780. Proceedings in case of master's cruelty to the indentured child.
781. Duty of board of managers to act as guardians of indentured children.
782. The conduct or behavior of indentured child to be reported by the master half yearly to managers.
783. Damages recovered for violation of indentures, to be held by society in trust for the child.
784. Supervisors to levy tax for support of children, and pay the same for that purpose annually to such asylum.
785. Children's support by said society, when to be paid for from the fund in the hands of the commissioners of emigration.
786. Schools may be established by such society, and such schools to participate in the common school fund.
787. Board of managers to report annually to the legislature ; what such report must specify.
788. The asylum and house of reception to be subject to visitation of the board of supervisors.
789. Children from other counties may be received by the board of managers of such corporation, and superintendents of the poor of such counties have power to send such children.
790. Supervisors to levy and collect by tax and pay over, annually, to the nursery and child's hospital of the city of New York.
791. The school under the charge of such child's nursery and hospital to participate in the distribution of the common school fund.
792. " Asylum for Friendless Boys in the city of New York ;" its object.
793. Corporate powers of such asylum, in whom vested, and its internal and domestic concerns ; under whose control.
794. Who members of such society, and who entitled to vote.
795. Power of the corporation over boys committed to its care.
796. " The Wayside Industrial Home ;" its purpose.
797. The " Rose Benevolent Association ;" its object.
798. The Five Points House of Industry ; its powers, &c.
799. Its property exempt from taxation.
800. Vacancy in office of incorporator ; when may be declared, and an election ordered to supply such vacancy.
801. Amount of property the Five Points House of Industry may take and hold.
802. The American Female Guardian Society ; its object.
803. Board of managers empowered to appoint matrons and other assistants.
804. Powers of such society over children surrendered to its care.
805. Children instructed in the schools connected with house of industry and home for the friendless of said society, to be entitled to draw public school moneys.
806. Who to be guardians of children ; in certain cases to surrender them to the custody of such society.

- SECTION 807. When vagrant children may be committed to the American Female Guardian Society; form of commitment.
808. Such commitment; how and by whom to be executed.
809. Duty of the magistrate making the commitment to deliver to a policeman; notice of commitment of child.
810. Such policeman to serve such notice, and how.
811. Duty of magistrate in certain cases to order managers of society to deliver such child to person named in such order.
812. Want of certain proof.
813. When magistrate may deliver over child to custody of managers without the giving notice.
814. Duty of board of managers when it shall appear that child was committed without sufficient cause.
815. When managers may return child to committing magistrate or to other proper authorities.
816. Violations of indentures of child by master; how remedied.
817. Guardians of children indentured may be required to place annually in the treasury of such society, for the benefit of such children, a certain sum.
818. Board of managers to be guardians of every child indentured by virtue of this act, and their duty in respect to such child.
819. "The Society for the Relief of Destitute Children & Seamen," its object.
820. Powers of board of managers to appoint a matron and other assistants, &c.
821. Also to bind out children that have been surrendered to such society.
822. St. Joseph's Asylum in the city of New York, its object.
823. Board of managers of such asylum may, in certain cases, bind out children.
824. Objects of Roman Catholic Asylum in the city of New York.
825. Such Asylum in certain cases may bind out children.
826. Title to real and personal estate.
827. Net income of such asylum limited.
828. Managers of the Society for the Protection of Destitute Roman Catholic Children in the city of New York may procure suitable buildings, sites, &c.
829. What children such society may take and receive into its care.
830. Power of such society over such children.
831. Children intrusted to such corporation by parents or guardians; how to be received.
- 832-838. Children above the age of seven and under fourteen years found by policemen in any public place in New York, under circumstances of want or abandonment; how to be dealt with in respect to such corporation; duty of magistrate, and such policeman, &c.
839. When such corporation may return to the proper authorities a child committed or intrusted to its charge.
840. Such corporation to be guardian of every child bound or held to service, under chapter 448, 1863; its duty in respect to children so held or bound; duty of the master to report, &c.

- Section 841.** Such corporation to report annually to the legislature and to the New York common council; what such reports to contain.
- 842.** Common council, by committee or otherwise to visit the asylum twice a year, and the mayor, &c., to be ex-officio managers of the institution.
- 843, 844.** "The Society for the Protection of Destitute Roman Catholic Children in the city of New York;" amounts which such society are entitled to receive; duties of New York board of supervisors.
- 845.** Where such society may locate its buildings; must maintain a house of reception in New York; its real estate.
- 846.** Certain of the property of such society exempt from taxation.
- 847.** Hebrew Benevolent and Orphan Asylum Society; its powers in respect to children intrusted to its trustees; commitments of certain children by New York magistrates may be made to such asylum.
- 848.** Mayor, &c., may convey real estate in fee to such asylum.
- 849.** Hebrew Relief Society, "The Society for the Education of Poor Children and the Relief of Indigent Persons of the Jewish Persuasion"—changed to.
- 850.** Metropolitan Fire Department Relief Fund; out of what provided.
- 851.** Who to be trustees of such fund, and how it is to be invested.
- 852.** When and for what such fund liable; who entitled to the benefits of such fund.
- 853.** What the trustees entitled to receive in behalf of such fund.
- 854.** Assessments; how and upon whom to be made for the benefit of such fund.
- 855.** Thistle Benevolent Association of New York, its object.
- 856.** Mariner's Family Asylum, who to have control of.
- 857.** Trustees of the Seaman's Fund Retreat in New York to pay over to such asylum a certain percentage of the moneys collected of masters, mariners and seamen arriving at New York. Owners of vessels to pay to president of such trustees certain moneys, &c.
- 858.** How such moneys to be applied.
- 859.** Employees of such asylum.
- 860.** Inconsistent acts repealed.
- 861.** The Friendly Society of St. Ambrose Church in New York, its object.
- 862.** Certain property of such society exempt from taxation.
- 863.** Samaritan Home for the Aged of New York, its object.
- 864.** Chapin Home for the Aged and Infirm, its object. Ladies' Aid Society (note).
- 865.** Hebrew Female Benevolent Society of the Congregation Shearith Israel in New York, its object.
- 866.** New York House and School of Industry, its objects and purposes.
- 867.** Fulton Benevolent Association of New York, its object.
- 868.** New York Ladies' Home Missionary Society of the Methodist Episcopal Church, its objects.

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SECTION 869. Presbyterian Home for Aged Women in New York, its authority.

870. Its general purpose.

871. Manhattan Eye and Ear Hospital, its object.

872. Roosevelt Hospital, its object.

873. German Hospital and Dispensary in New York, its object.

874. "The Deaconess Institution of the Evangelical Lutheran Church," its object.

875. Board of managers to establish, govern and manage orphan asylum, &c.

876. Wurtzburg Orphans' Farm School of Evangelical Lutheran Church, under the immediate supervision and control of the board of managers of said Deaconess institution.

877. Board of managers of said last-mentioned institution to have appointment of director and chaplain of said Orphans' Farm school.

878. Executive committee of such Orphans' Farm school to have authority to receive orphan children and to retain such children until they are of age, and to place out such children; such committee to be guardians, &c.; to report, &c.

879. "Association for the Relief and Protection of Friendless Children of Germany," its object.

880. Mariners' Family Industrial Society of the Port of New York, its object.

881. House of Mercy, New York; its object.

882. Prostitutes professing a desire to reform; when by the magistrate may be committed to certain benevolent institutions.

Object of
New York
juvenile
asylum.

§ 724. The objects of [the New York Juvenile Asylum] are to receive and take charge of such children, between the ages of seven and fourteen years, as may be voluntarily intrusted to them by their parents or guardians, or committed to their charge by competent authority, and provide for their support, and to afford them the means of moral, intellectual and industrial education. § 2, ch. 332, 1851; as amended by ch. 387, 1854.

Corporation to
procure
suitable
building
sites.

§ 725. The corporation hereby created may, so soon as may be practicable, procure suitable building sites and lands, and erect and maintain thereon an asylum for such children as, under this act, the regulations to be adopted by the board of directors, and the laws of the state and city of New York, may be intrusted or committed to the care and management of the said corporation; such asylum shall embrace the buildings necessary for the comfortable accommodation of the children therein; for the instruction, moral, intellectual and industrial, and for their general treatment in such manner as may best promote their welfare, and most fully accomplish the beneficent designs and objects of the said corporation; and until such building sites and lands shall be procured, and



ent building of the asylum thereon erected
ed for use, the corporation may procure such
accommodations as may be necessary for its
§ 6, ch. 332, 1851; as amended by § 1, ch.

re said corporation may receive under its care whom it
may re-
ceive.
ment children between the ages of seven and
rs, belonging to the classes described in this
also children under the age of seven years
o said classes, who, in the judgment of the
said corporation, have special claims on its
persons herein intended are:

children as by the consent in writing of their
guardians shall be voluntarily surrendered
d to it.

children as may be committed to it by the
y magistrate or magistrates of the city and
ew York under the ninth section of this act.

children who may be committed to its
he order of any magistrate or magistrates
irteenth section of this act.

en deserting their homes, or disobedient to
s or guardians, who may be committed to its
he order of any magistrate or magistrates
ourteenth section of this act. § 7, ch. 332,
ended by § 1, ch. 245, 1866.

children intrusted to this corporation, by the Form of
surrender
of child.
ct of their parents or guardians, shall be
be in the lawful charge and custody of the
tion; and such surrender shall be evidenced
; in form substantially as follows, viz.:

(father, mother or guardian as the case may
) (a boy or girl), aged years, born in
hereby surrender and intrust to "The New
ile Asylum," for the period of years,
large, management and control of the said
do hereby assign to and invest the said cor-
h the same powers and control over the said
se of which I am possessed."

ce of. § 8, ch. 332, 1851.

enever any child above the age of seven and Destitute
children.
ge of fourteen years shall be brought by any
f the city of New York before the mayor or
any alderman or other magistrate of the said
re allegation that such child was found in any
highway or public place in said city, in the
as of want and suffering, or abandonment,
neglect, or of beggary, specified and defined
enth section of the act entitled "An act rela-

tive to the powers of the common council of the city of New York, and the police and criminal courts of said city," passed January twenty-three, eighteen hundred and thirty-three, and it shall be proved to the satisfaction of such magistrate, by competent testimony, that such child is embraced within the said section, and it shall further appear to the satisfaction of such magistrate, by competent testimony, or by the examination of the child, that, by reason of the neglect, habitual drunkenness, or other vicious habits of the parents or other lawful guardian of such child, it is a proper object for the care and instruction of this corporation, such magistrate, instead of committing such child to the almshouse of said city, or such other place, if any, as may have been provided by the common council thereof, in his discretion, by warrant in writing under his hand, may commit such child to this corporation, to be and remain under the guardianship of its directors, until therefrom discharged in manner prescribed by law; such commitment shall be by warrant in substance as follows:

To A. B., one of the policemen of the city of New York: You are hereby commanded to take charge of A. B., a child under age of fourteen and above the age of seven years, who has been proved to me by competent evidence to be embraced within the eighteenth section of the act entitled "An act relative to the powers of the common council of the city of New York, and the police and criminal courts of said city," approved January twenty-three, eighteen hundred and thirty-three, and who also appears to my satisfaction to be a proper object for the care and instruction of the corporation created by an act entitled "An act to incorporate 'The New York Juvenile Asylum,'" passed June thirtieth, eighteen hundred and fifty-one, and to deliver the said child without delay to the said corporation, at its house of reception in this city; and for so doing this shall be your sufficient warrant.

Dated this day of , 18 . § 9, ch. 332, 1851; as amended by ch. 387, 1854.

Order, how
executed.

§ 729. Any order so made by any such magistrate shall be executed by any policeman to whom it shall be delivered by the magistrate, by conveying the child therein named to the house of reception to be established by this corporation, and such child shall be detained in such house of reception until discharged or removed therefrom in the manner hereinafter provided. § 10, ch. 332, 1851.

Notice of
magistrate
to father,
etc.

§ 730. Immediately upon the making of any such order, the magistrate making the same shall deliver to a policeman of the city especially detailed for that service,

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in writing, addressed to the father of such child, ~~ther~~ is still living and resident within the city, ~~not~~, then to its mother if she be living and so, ~~and~~ if there be no father or mother of such child within the city, then addressed to the lawful ~~a~~ of such child, if any, or the persons with whom, ~~ig~~ to the examination of the child and the testi- ~~f~~ any, received by such magistrate, such child ~~ide~~, in which notice the party to whom the same ~~need~~ shall be informed of the commitment of such ~~the~~ house of reception of this corporation, and notified that, unless taken therefrom in the man- ~~scribed~~ by law, within twenty days after the ser- ~~such~~ notice, the child therein named will be and the ward of this corporation. § 11, ch. 332, 1851; ~~ded~~ by ch. 387, 1854, and by ch. 245, 1866.

Whenever, after careful and diligent search and ~~the~~ the policeman, whose duty it was to serve the ~~scribed~~ in the eleventh section of the act hereby ~~d~~ (chap. 332, 1851), shall not have found either ~~er~~, mother, legal guardian, or person with whom, ~~ig~~ to the examination of the child and the testi- ~~f~~ any, received by such magistrate,* it shall be the ~~the~~ superintendent of the house of reception to ~~ie~~ following notice, with the proper blanks in- ~~to~~ be posted up in a conspicuous place in the ~~tation-house~~ nearest the alleged residence of the ~~z~~:

z.—This is to certify that _____, a child of ~~ie~~ age of _____ years, _____ hair, _____ eyes, ~~ion~~, _____ in height, and said to be of _____ descent, ~~the~~ _____ day of _____, 18____, committed by _____ house of reception of the New York Juvenile Asy- ~~mber~~ twenty-three West Thirteenth street, and ~~r~~ careful search and inquiry made by _____ the parents, legal guardians or persons with whom ~~is~~ alleged to have resided _____ can be found.

_____, 18____. Superintendent.
The posting of said notice as above required shall ~~ied~~ as equivalent to having duly served it on ~~ent~~ or guardian or person with whom the child ~~ged~~ to have resided, in cases where they or either ~~could~~ be found. § 2, ch. 57, 1856.

Such notice (the notice mentioned in section ~~s~~ ~~ll~~ be served by the policeman detailed for that ~~u~~ ~~by~~ delivering the same to the party to whom ~~have~~ been addressed, personally, or by leaving

*So in the printed session laws of 1856.

Report of service to magistrate	it with some person of sufficient age at the place of residence or business of such party, and it shall be the duty of such policeman immediately to report the fact and the time and manner of such service to the magistrate, and enter in a book to be provided for that purpose, and kept at the house of reception of the New York Juvenile Asylum, the fact of having served such notice, the time and manner of such service, and the fact thus recorded shall in all cases be presumptive evidence of the proper service of such notice. If the party to whom such notice shall have been addressed, or any other person, shall, within the time therein specified, prove to the satisfaction of the magistrates issuing the same that the circumstances of want or suffering, or other circumstances described in the eighteenth section of the aforesaid act, passed January twenty-third, eighteen hundred and thirty-three, under which such child shall have been found, have not been occasioned by the habitual neglect or misconduct of the parents or lawful guardians of such child, then it shall be the duty of such magistrate, by order in writing, addressed to the superintendent of the house of reception of this corporation, to direct such superintendent to deliver such child to the custody of the party named in such order, who shall thereupon be entitled to take such child from the said house of reception. But, if such proof shall not be produced within the time above prescribed, such child shall be removed from the house of reception to the asylum; and whether such removal to the asylum has taken place or not, the order of commitment by such magistrate shall be final, and he shall thereafter have no power to discharge such child from the house of reception or from the asylum, or in any manner from the care and custody of said corporation. § 12, ch. 332, 1851; as amended by ch. 245, 1866.
Record of service.	
In what case child to be surrendered to father, etc.	
When order of commitment final.	
Proceedings in case of idle vagabond children under fourteen years.	§ 733. If any child under the age of fourteen years, having sufficient bodily health and mental capacity to attend the public schools, shall be found wandering in the streets or lanes, or in any public place in the city of New York, idle, truant, or without any lawful occupation, any police magistrate or justice of the district courts in said city, on complaint thereof by any citizen, on oath, shall cause such child to be brought before him for examination, and shall also cause the parent or guardian or master of such child, if he or she have any, to be notified to attend such examination. If, on such examination, the complaint shall be satisfactorily established, such magistrate or justice shall require the parent, guardian or master to enter into an engagement in writing to the corporate authorities of said city, that he will restrain such child from so wandering about, will keep him or her
In what case, parent, etc., to give bond.	

own premises, or in some lawful occupation, and cause such child to be sent to some school at least months in each year, until he or she becomes four-years old. Such magistrate or justice as aforesaid in his discretion require security for the faithful performance of such engagement. If such child has no

t. guardian or master, or none can be found, or if parent, guardian or master refuse or neglect for five days to enter into such an engagement, and to furnish security, if required, such magistrate or justice by warrant under his hand, commit such child exclusively to this corporation. If the engagement provided for in this act shall be habitually or intentionally violated, such magistrate or justice shall, on complaint of, in the manner already described in this section, cause such child to be again brought before him for examination, with notice to the person by whom the engagement was made, or if such person cannot be found, to the person having the guardianship or control of such child, if any such person there be, to attend such examination; and if the complaint shall be satisfactorily established, the magistrate or justice as aforesaid shall by warrant commit such child exclusively to said corporation. Nothing herein contained shall be construed to excuse the person who has so violated his engagement from the penalty prescribed by section second of chapter hundred and eighty-five of the laws of eighteen hundred and fifty-three, and the provisions of that section extended to this act as far as the same are applicable.

It shall be the duty of every policeman of the police in said city, who shall find any child in the condition herein described, to arrest and to bring such child before such magistrate or justice, to be dealt with in accordance with the provisions of this section. The board of metropolitan police commissioners are hereby authorized and required to make necessary and suitable arrangements for carrying into effect the duty hereby imposed upon said policemen. § 13, ch. 332, 1851; as amended by § 4, ch. 245, 1866.

34. If any child in the city of New York, between the ages of seven and fourteen years, shall desert his home without sufficient cause, or shall keep company with dissolute or vicious persons against the lawful command of his or her father, mother, guardian, or other person standing in the place of a parent, then upon complaint upon oath by such parent, or other person standing in the relation of parent, any police magistrate or justice of said city shall cause such child to be brought before himself, or any other magistrate or justice

In what case, magistrate to give exclusive control of children to corporation.

Duty of policeman.

Proceedings relative to children who leave home or associate with various persons and who are complained of by parents, etc.

for examination. If such justice or magistrate be satisfied by competent testimony that such child is one of the class of persons described in the first clause of this section, he shall, by warrant under his hand, commit such child, in his discretion, to the charge of this corporation. Nothing herein contained shall prevent proceedings from being taken under other statutory provisions applicable to the class of children described in this section. Persons committed under this and the preceding section shall be subjected to the same general treatment as other children committed to the charge of this corporation, or voluntarily intrusted to it. § 14, ch. 332, 1851; as amended by § 5, ch. 245, 1866.

Second arrest of child.

§ 735. If any child who has been previously arrested and delivered to the parent or guardian, as hereinbefore provided, shall again be found in either of the conditions described in the eighteenth section of the act aforesaid, the magistrate before whom such child is brought, upon proof thereof, may forthwith make a final order for committing such child to the care and instruction of this corporation, without giving the notice provided for in section eleven of this act. § 15, ch. 332, 1851.

Child, when to be discharged.

§ 736. If, at any time after a child shall have been committed to the said New York Juvenile Asylum, as above provided for in this act, it shall be made to appear to the satisfaction of the board of directors of the said asylum that such child was, on insufficient cause, false or deficient testimony, or otherwise, wrongfully or improvidently so committed, the said board of directors shall, on the application of the parents, guardians, or other protector of such child, discharge the child from the said asylum and restore it to such parents, guardian or protector; and also, if after a child shall have been properly committed to the said New York Juvenile Asylum, by virtue and in pursuance of the provisions of this act, any circumstances should occur, that, in the judgment of the board of directors of the said asylum, would render expedient and proper a discharge of such child from the said asylum, having a due regard to the welfare of the child, and the purposes of the asylum, the said board of directors, on the application of the parents, guardian or protector of such child, may, in their discretion, discharge the child from the said asylum and restore it to its parents, guardian or protector, on such reasonable conditions as the said board of directors may deem right and proper. § 16, ch. 332, 1851.

In what case corporation may return child to magis-

§ 737. The said corporation shall have power to return to the committing magistrate or other proper authorities, to be disposed of in due course of law, any child whatsoever, who for any reason in the judgment of the directors

of said corporation shall not be a proper subject for its care. It shall also have power to transfer such child to the custody of the commissioners of public charities and corrections of the city and county of New York, or to any other incorporated public institution for the care of vagrant, homeless, orphan or criminal children, and to make with such institution suitable and needful arrangements for the care, support and education of such child. Said commissioners of such institution shall have power on their part to receive such child from the New York Juvenile Asylum, and to enter into the arrangements for the care, support and education thereof heretofore specified in this section, any thing in its charter or the laws governing it to the contrary notwithstanding. § 17, ch. 332, 1851; as amended by § 6, ch. 245, 1866.

trate, or
hand it
over to
commis-
sioners of
public
charities.

Power of
said com-
missioners

§ 738. The said corporation shall have power, in its discretion, to bind out or indenture as clerks or apprentices in this state, and also in any state of the United States which shall by its laws recognize the validity of such indentures, to some profession, trade or employment, the children intrusted or committed to its charge, and for a shorter or longer period, not exceeding the age of twenty-one years for males, and eighteen years for females. It shall be the duty of all courts and magistrates by whom any child shall be committed to the charge of this corporation to ascertain the age of such child by such proof as may be in their power, and to insert such age in the order of commitment, and the age thus ascertained shall be deemed and taken to be the true age of such child. In case where the age of the child so committed is not so ascertained and inserted in the order of commitment, or where the child is voluntarily surrendered under the provisions of this act, the said corporation, or its committee on admissions, indentures and discharges, shall, as soon as may be, after such child is received by them, ascertain the age of such child by such proof as may be in their power, and cause the same to be entered in a book to be designated and kept by them for that purpose, and the age thus ascertained shall be deemed and taken to be the true age of such child. The board of directors of said corporation, or its committee on admissions, indentures and discharges, shall have power to administer oaths or affirmations to each person or persons as may appear before such board or committee to give information touching the age of such child, or concerning the indenturing, discharge or transfer of children under this act. § 18, ch. 332, 1851; as amended by § 7, ch. 245, 1866.

Power of
corpora-
tion to
apprentice

Courts to
ascertain
age of
child.

When cor-
poration
to do
likewise.

§ 739. No person receiving an apprentice under the provisions of this act shall be at liberty to assign or

Inden-
tures not

to be assigned.

transfer the indenture of apprenticeship, or to let out or hire for any period the services of such apprentice without the consent in writing of the directors of this corporation. In case the master of such apprentice shall be dissatisfied with his or her conduct or behavior, or for any other cause may desire to be relieved from said contract, upon application, the said directors may, in their discretion, cancel the said indenture of apprenticeship, and resume the charge and management of the child so apprenticed, and shall have the same power and authority in regard to it as before the said indenture was made. § 19, ch. 332, 1851.

Child may be reclaimed for cruel treatment.

§ 740. If any master shall be guilty of any cruelty, misusage, refusal or neglect to furnish necessary provisions or clothing, or any other violation of the terms of indenture or contract toward any such child so bound to service, such child may make complaint thereof to the board of directors of this corporation, or to two justices of the peace of the county in which such child is so bound to service, or to the mayor, recorder or aldermen of any city in which such child is bound to service, or to any two of them, who shall summon the parties before them, and examine into, hear and determine the said complaint; and if upon such examination the said complaint shall appear well founded, they shall, by certificate under their hands, discharge such child from his obligation of service, and restore him or her to the charge and management of this corporation in the same manner, and with like powers, as before the indenture of such child. § 20, same ch.

Prohibition against binding apprentices not to set up trade.

§ 741. No person shall accept from any journeyman or apprentice, indentured as aforesaid, any contract or agreement, nor cause him or her to be bound by oath or otherwise during his or her term of service, that such journeymen or apprentice shall not set up his or her trade, profession or employment in any particular place, shop or cellar; nor shall any person exact from any journeyman or apprentice, after his or her term of service is expired, any money or other thing for using or exercising his or her trade, profession or employment in any place. § 21, ch. 332, 1851.

Security contrary to foregoing section void.

§ 742. Every security given contrary to the provisions contained in the last preceding section of this act shall be void, and any money paid or valuable thing delivered for the consideration, in part or in whole, of any such agreement or exaction may be recovered back, with interest, by the person paying the same; and every person accepting such agreement, causing such obligations to be entered into, or exacting money or other thing as aforesaid, shall forfeit one hundred dollars to the apprentices.



neyman from whom the same shall have been re-

§ 22, same ch.

. Upon the death of any master to whom any child may have been bound to service, under the provisions of this act, the executors or administrators of such master may, with the consent of the child so bound to service, signified in writing, acknowledged or approved by the board of directors of this corporation, assign the contract or contract of such service to some other person, which assignment shall transfer to and vest in such person all the rights of the original master, and also make him subject to all his obligations. § 23, same ch.

Upon death of master indenture may be assigned.

. The board of directors of this corporation shall be the guardians of every child, bound or held for service, and in pursuance of the provisions of this act, shall take care that the terms of the contract be fully fulfilled, and that such person be properly instructed; and it is hereby made their special duty to inspect the treatment of every such child, and redress any wrong or wrong in manner prescribed by law. And it shall be the duty of the master or his assignee, to whom any child shall be bound to service, and he shall, by the terms of the indenture, be required, as often as once in six months, to report to the said board of directors the conduct and behavior of the said apprentice or child bound to service, and whether such apprentice is still under the care of the person to whom he was bound, and if not, where else he may be. § 24, same ch.

Board declared guardians of children.

5. The board of directors of the said corporation shall, on or before the fourth Monday of January, in each year, make a detailed report to the legislature of this state and to the common council of the city of New York of the whole number of children received into the corporation during the year, specifying their sex, place of birth, age, residence, health at the time of admission, mode of education, religious instruction, whether their parents are living or dead, temperate or intemperate, the amount devoted to instruction, the nature and amount of the support, the cases of disease, the number apprenticed, the number who shall have escaped, died or been restored to parents, guardians, or returned to the committing magistracy during the year, and also such information as they may have received of those who have been bound out or freed, as well as the facts generally in relation to the performance of their duties, also their industrial occupations, with their results, the receipts and expenditures and financial condition of the corporation, and its operations, with their results. § 25, ch. 332; amended by ch. 387, 1854.

Report to the legislature.

Common council to visit asylum twice a year.

§ 746. It shall be the duty of the common council of the city of New York, by committee or otherwise, in its discretion, to visit and inspect the said New York Juvenile Asylum twice at least in each year. § 26, ch. 332, 1851.

Pecuniary means for support of asylum, how provided.

§ 747. To provide the pecuniary means for the establishment and support of the said New York Juvenile Asylum whenever it shall be proved to the board of supervisors of the city and county of New York, by the affidavit or affirmation of the president and secretary of the said asylum, that fifty thousand dollars in money or approved securities have, by voluntary subscription or otherwise, been raised for the purpose of such asylum, and deposited to the credit of that corporation in one of the incorporated banks of the city of New York, or of the banks formed under the general banking law, the said board of supervisors may, in their discretion, raise and collect a like amount of fifty thousand dollars by tax upon the real and personal property of the said city and county, to be so levied and collected at the same time and in the same manner as the contingent charges and expenses of the said city and county are levied and collected. Such moneys so raised by this corporation and the said board of supervisors, to be together expended by said corporation in procuring the necessary buildings, sites and lands, in erecting and furnishing the necessary buildings and in defraying the current expenses of the said asylum, until its permanent buildings shall be completed. § 27, ch. 332,^a 1851.

^aTo provide the pecuniary means for the completion of the necessary buildings of the New York Juvenile Asylum, and to aid in furnishing said buildings and in defraying the expenses thereof, whenever it shall be proved to the board of supervisors of the city and county of New York, by the affidavit or affirmation of the president and secretary of the said asylum, that in addition to the sum specified in section 27, of "An act to incorporate the New York Juvenile Asylum," passed June 30, 1851, the further sum of twenty thousand dollars in money or approved securities have, by voluntary subscription or otherwise, been raised for the purposes of said asylum, the said board of supervisors may, in their discretion, raise and collect a like sum of twenty thousand dollars by tax upon the real and personal property of the said city and county, to be so levied and collected at the same time and in the same manner as the contingent charges and expenses of the said city and county are levied and collected. Such moneys so raised by said New York Juvenile Asylum, and the said board of supervisors, to be together expended by said corporation in completing the necessary buildings, in furnishing the same, and in defraying other necessary expenses of said asylum. § 1, ch. 57, 1853.

To provide the pecuniary means for the purchase of land, and the erection of a house of reception for the New York Juvenile Asylum, and to aid in furnishing said building and in defraying the expenses thereof, whenever it shall be proved to the board of supervisors of the city and county of New York, by the affirmation or affidavit of the president and secretary of the said asylum that, in addition to the sum specified in section 27 of "An act to incorporate the New York Juvenile Asylum," passed June 30, 1851, and also in addition to the further sum specified in section 1 of "An act to amend an act to incorporate the New York Juvenile Asylum," passed March 27, 1853, the further sum of twenty thousand dollars, in money or approved securities, have by voluntary subscriptions or otherwise been raised for the purposes of said asylum, the said board of supervisors may in their discretion raise and collect a like sum of twenty thousand dollars by tax upon the real and personal property of the said city and county, to be so levied and collected at the same time and in the same manner as the contingent charges and expenses of the said city and county are levied and collected.

8. In each and every year thereafter the board of supervisors shall, in the same manner, levy and collect tax, and pay over to the said New York Juvenile Asylum, for the uses and purposes thereof, one hundred dollars per annum, and proportionately for any part of a year, for each child which, by virtue and in pursuance of the provisions of this act, shall be intrusted to the said asylum, and shall be supported and maintained therein. § 28, ch. 332; as amended by ch. 245, 1866.

Supervisors to pay one hundred dollars for each child.

It is, however, that if any balance of the sum of forty thousand dollars shall be collected for the year 1857, by the said board, in pursuance of the provisions of the act of June 30, 1851, incorporating the said asylum, shall be unexpended, then it shall be lawful for the said board to direct such unexpended balance of said moneys to be immediately paid to the said asylum on account of the sum of twenty thousand dollars authorized by this act; and in such case only so much as shall yet remain of the said last-mentioned sum of twenty thousand dollars shall be levied and collected by virtue of this act.

Hereof, all such moneys so to be raised by said New York Juvenile Asylum and to be paid or levied and collected by the said board, to be expended by the said New York Juvenile Asylum for the purposes therein provided for in the first clause of this section. § 2, ch. 43, 1858.

And in defraying other expenses, whenever it shall be proved to the satisfaction of the board of supervisors of the city and county of New York, by the affirmation or affidavit of the president and secretary of the New York Juvenile Asylum, that in addition to the sum specified in section 27 of an act to amend the laws of this State, passed June 30, 1851; and also on to the further sum specified in section 1 of an act to amend an act to incorporate the New York Juvenile Asylum, passed March 27, 1856; in addition to the further sum specified in section 1 of an act to amend an act to incorporate the New York Juvenile Asylum, passed March 27, 1856; the further sum of twenty thousand dollars in money or approved securities, or have by voluntary subscriptions or otherwise been raised for the purposes of said asylum, the said board of supervisors may, in their discretion, levy and collect a like sum of twenty thousand dollars by tax upon real and personal property of the said city and county, to be so levied and collected at the same time and in the same manner as the other charges and expenses are levied and collected; provided, however, that if any balance of the sum of fifty thousand dollars, levied and collected for the year 1861 by the said board, in pursuance of the 28th section of the act of June 30, 1851, incorporating the said asylum, shall yet remain unexpended, then it shall be lawful for the said board to direct such unexpended balance of said moneys to be immediately paid to the said asylum, on account of the sum of twenty thousand dollars authorized by this act; and in such case only so much as shall yet remain of the said last-mentioned sum of twenty thousand dollars shall be levied and collected by virtue of this act.

All such moneys so to be raised by said New York Juvenile Asylum and to be paid, or levied and collected, by the said board, to be expended by the said New York Juvenile Asylum, for the purposes therein provided for in the first clause of this section. § 1, ch. 330, 1861.

And the act, amended by chapter 57 of the laws of 1856, and further amended by chapter 41 of the laws of 1858, is hereby further amended as follows:

And in defraying the pecuniary means for the purchase or lease of land, and the erecting and furnishing of a suitable building or buildings, and in defraying other expenses of the same, for the uses and purposes described in this act, it shall be proved to the board of supervisors of the city and county of New York, by the affirmation or affidavit of the president and secretary of said asylum, that in addition to the sum specified in section 27 of an act to amend the laws of this State, passed June 30, 1851; and also on to the further sum specified in section 1 of an act to amend an act to incorporate the New York Juvenile Asylum, passed March 27, 1856; in addition to the further sum specified in section 1 of an act to amend an act to incorporate the New York Juvenile Asylum, passed March 27, 1856; the further sum of twenty-five thousand dollars in money or approved securities has, by voluntary subscriptions or otherwise, been raised for the purposes of said asylum, the said board of supervisors may, in their discretion, levy and collect a like sum of twenty-five thousand dollars by tax upon real and personal property of the said city and county, to be so levied and collected at the same time and in the same manner as the other charges and expenses of the said city and county are levied and collected; and such moneys so raised by this corporation and the said board of supervisors to be together expended by said corporation in procuring the erecting, sites and lands; in erecting and furnishing the necessary buildings, and in defraying the current expenses of the said asylum.

Children chargeable to emigration fund.

§ 749. Whenever any child, properly chargeable upon the fund placed by law at the disposal of the commissioners of emigration, shall, agreeably to the provisions of this act, be received, supported and instructed in the said New York Juvenile Asylum, the said corporation shall be entitled to receive therefor from that fund sixty dollars per annum, and proportionately for any fraction of a year, for every such child so received, supported and instructed in said asylum; but in no case shall the sum so received exceed the lowest expense to the city and county of New York of a child of the same age in any of the public institutions under the charge of the ten governors of the almshouse and prison department of the said city and county. § 29, ch. 332, 1851; as amended by ch. 387, 1854.

Schools to share in common school fund.

§ 750. The schools established and maintained by the New York Juvenile Asylum shall participate in the distribution of the common school fund in the same manner and degree as the common schools of the city and county of New York. § 30, ch. 332, 1851.

Managers of society for the reformation of juvenile delinquents, their terms of office, etc.

§ 751. The managers of the society for the reformation of juvenile delinquents shall, as soon as conveniently may be after the next annual election of the society, arrange themselves into three classes of ten each, to be determined by lot, to serve respectively one, two and three years, and at every subsequent election, at the expiration of the terms thus designated, ten persons shall be chosen as managers to serve for the term of three years; any vacancy that may occur in any class during the term of service of said class may be filled by the board of managers for the unexpired portion of said term. § 1, ch. 172, 1865.

Said managers empowered to receive into house of refuge children convicted as vagrants, etc.

§ 752. [The managers of the society for the reformation of juvenile delinquents in the city of New York] shall have power, in their discretion, to receive and take into the house of refuge to be established by them, all such children who shall be taken up and committed as vagrants, or convicted of criminal offenses in the said city, as may, in the judgment of the court of general sessions of the peace, or of the court of oyer and terminer in and for the said city, or of the jury before whom any such

until its permanent buildings shall be completed; and it is further provided that, whenever the further sum or sums of ten thousand dollars or more in money or approved securities have, from time to time, by voluntary subscriptions or otherwise, been raised for the purposes of said asylum, the said board of supervisors shall, from time to time, raise and collect a like sum or sums by tax upon the real and personal property of the said city and county, said tax to be levied and collected in the same manner hereinbefore prescribed, and the moneys so raised to be expended in the manner and for the purposes hereinbefore specified. The whole sum or sums to be raised and collected by said board of supervisors under the provisions of this section shall not exceed fifty thousand dollars. Said corporation shall have full power and authority to acquire and hold, by purchase, lease or devise, such land or real estate as may be necessary, suitable or proper to carry into effect the objects and purposes of this act. § 8, ch. 245, 1866; adding to § 8, ch. 332, 1851.

shall be tried, or of the police magistrates, or of commissioners of the almshouse and Bridewell of the city, be proper objects; and the said managers shall have power to place the said children committed to their custody in the minority of such children at such employment, and to cause them to be instructed in such manner as may be of useful knowledge, as shall be suitable to their capacities; and they shall have power, in their discretion, to bind out the said children with their consent as apprentices or servants during their minority, to such persons and at such places, to learn such proper trades and employments, as in their judgment will be for the reformation and amendment, and the future benefit and advantage, of such children.* The managers of the said society shall receive into the house of refuge established by them in the city of New York, and where they may have room for that purpose, all such children as shall be taken up or committed as vagrants, or as persons guilty of any criminal offense in this state, and might now, if convicted of criminal offenses in such city or county, be sent to the house of refuge by law to said house of refuge, if in the judgment of the court or magistrate by whom they shall be convicted as vagrants, the aforesaid children shall be proper persons to be sent to said institution. The managers and duties of the said managers in relation to the children whom they shall receive in virtue of this act, shall be the same in all things as now provided by law for children convicted of criminal offenses and committed to the charge of said managers. § 4, ch. 126, amended by § 1, ch. 241, 1860, and by § 2, ch. 5.

And to place them at employment or bind them out.

Vagrant children of any place within this state may be admitted into house of refuge.

It shall be the duty of all courts and magistrates, by whom any juvenile delinquent shall be committed, to send to the house of refuge in the city of New

Duty of courts to ascertain age of delinquents.

§ 5 of chapter 126, entitled "An act to incorporate the society for the relief of Juvenile Delinquents in the city of New York," passed 1854, it is enacted that all and singular the clauses and provisions contained in the act entitled "An act concerning apprentices and servants," relating to the indentures of apprentices and servants, shall be inserted in the indentures of apprentices and servants by the overseers of the poor, and the provisions of the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sections of the last-mentioned act shall apply to the apprentices and servants and the persons to whom they are bound under and by virtue of said chapter 126 of 1854. By section 1 of chapter 126 of 1854, it is also enacted that the said managers of the said corporation may, from time to time, make by-laws, ordinances and regulations relative to the management and disposition of the estate and property of the said corporation, and the management, government, discipline, employment and disposition of the said children while in the house of refuge, or under their care, not contrary to law, as they may see proper, and may appoint such officers, agents and servants as they may see necessary to transact the business of the said corporation, and to execute their duties. And further, that the said managers shall make reports to the legislature and to the corporation of the city of New York, of the number of children received by them into the said house of refuge, and of the disposition which shall be made of the said children by instructing them in the said house of refuge or by binding them out as apprentices or servants, the receipts and expenditures of the said managers, and generally all such facts and particulars as may tend to exhibit the character and the advantages or otherwise, of such association.

York, to ascertain the age of such delinquent by such proof as may be in their power, and to insert such age in the order of commitment, and the age thus ascertained shall be deemed and taken to be the true age of such delinquent. § 3, ch. 172, 1865.

When managers to ascertain age of delinquents.

§ 754. In case where the age of the delinquent so committed is not so ascertained and inserted in the order of commitment, the said managers shall, as soon as may be after such delinquent shall be received by them, ascertain the age of such delinquent by such proof as may be in their power and cause the same to be entered in a book to be designated by them for that purpose, and the age thus ascertained shall be deemed and taken to be the true age of such delinquent. § 4, same ch.

Who to be deemed disorderly children.

§ 755. All children under the age of sixteen in the several counties, which now are or hereafter shall be designated by law as the counties from which juvenile delinquents shall be sent to the house of refuge in the city of New York, deserting their homes without good and sufficient cause, or keeping company with dissolute or vicious persons against the lawful commands of their fathers, mothers, guardians, or other persons standing in the place of a parent, shall be deemed disorderly children. § 5, same ch.

In what case magistrate to issue warrant.

§ 756. Upon complaint made on oath to any police magistrate or justice of the peace against any child within his county, under the age of sixteen, by his or her parent or guardian, or other person standing to him or her in place of a parent, as being disorderly, such magistrate or justice shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before himself, or any other police magistrate or justice of the said county, for examination. § 6, ch. 172, 1865.

Make record of conviction and commit to house of refuge.

§ 757. If such magistrate or justice be satisfied by competent testimony that such person is a disorderly child within the description aforesaid, he shall make up and sign a record of conviction thereof, and shall, by warrant under his hand, commit such person to the house of refuge established by the managers of the society for the reformation of juvenile delinquents in the city of New York, and the powers and duties of the said managers in relation to the said children shall be the same in all things as are prescribed as to other juvenile delinquents received by them; provided, however, that any person committed under this act shall have the same right of appeal now secured by law to persons convicted of criminal offense; but on any such appeal mere informality in the issuing of any warrant shall not be held to be sufficient cause for granting a discharge. § 7, same ch.

§ 758. The managers of the society for the reformation of juvenile delinquents are hereby authorized to establish a school-ship for the purpose of instructing the boys in their charge in navigation and the duties of seamanship, and for that purpose they are authorized to purchase and hold any vessel or vessels, and to navigate the same into and upon any of the ports and waters of the State. § 1, ch. 285, 1869.

Managers may establish a school-ship. May instruct boys in navigation. May purchase and navigate vessels.

§ 759. The said society may employ such superintendents and officers for the government and instruction of the boys, and from time to time make such rules and regulations for the government of the school-ship, as they may deem expedient. § 2, same ch.

Superintendents and officers.

§ 760. The said society shall have the control of the school-ship and other vessels procured for the institution, and may transfer from the house of refuge on board of said ship or vessels such boys under their charge as they may elect and shall cause them to be instructed in navigation and the duties of seamanship, and may send any boy upon a voyage at sea, and in his behalf enter into necessary contract therefor, with his assent or the assent of his parent or guardian, if it is practicable to obtain the same. § 3, same ch.

Society to have control of school-ship. May transfer boys from house of refuge to vessels, and instruct same in navigation and seamanship. Children's aid society.

§ 761. The [Children's Aid Society of the city of New York] are hereby authorized to hold real and personal estate, free from the restrictions as to amount prescribed by the "Act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April twelfth, eighteen hundred and forty-eight, or any act to amend the same. § 1, ch. 515, 1864. The real estate and personal property belonging to the Children's Aid Society, and used for the charitable purposes thereof, shall be exempt from taxation. § 2, ch. 468, 1868.

Property of society exempt from taxation.

§ 762. The treasurer of the metropolitan board of excise shall, on the first day of October, eighteen hundred and sixty-nine, pay to the children's aid society of the city of New York the sum of twenty thousand dollars, to be applied to the support of the boys' and girls' lodging houses of said society. The said society shall, on or before the fifteenth of January of each and every year, present an annual report to the legislature of the state of New York, of the expenditure of such moneys in detail, together with all other matters pertaining to the care and custody of the children who shall be under the charge of the said society. § 1, ch. 212, 1869.

Payment to children's aid society by Metropolitan excise board.

Society to report annually to legislature.

§ 763. The board of supervisors of the county of New York shall, in the year eighteen hundred and sixty-seven, and in each and every year thereafter, levy and collect by tax upon the real and personal property of the said city and county, to be levied and collected at the same

Supervisors to raise annually and pay over to children's aid society \$30,000.

time and in the same manner as the contingent charges and expenses of the said city and county are levied and collected, the sum of thirty thousand dollars, and pay the same over to the children's aid society of the city of New York, to be applied to the care and education, in the industrial schools of said city, of destitute children not attending the common schools in the city of New York. And said society shall, on or before the first day of January each and every year, report to the comptroller of the city of New York each and every expenditure of such money, and the same to the state superintendent of public instruction, with such other matters pertaining to the children who shall come under its care as the said superintendent shall require. § 1, ch. 163, 1867.

Said society to report.

Children's aid society industrial schools to participate in school fund.

Amount board of supervisors authorized to collect by tax for children's aid society

Object of New York infant asylum.

Asylum.

House of reception.

§ 764. The industrial schools established and maintained under the charge of the children's aid society in the city of New York shall participate in the distribution of the common school fund, in the same manner and degree as the common schools of the city and county of New York, and shall be subject to the same regulations and restrictions as are now by law imposed on the common schools of the city and county of New York. § 1, ch. 258, 1862.

§ 765. The board of supervisors of the county of New York shall, in the year eighteen hundred and sixty-five, and in each and every year thereafter, levy and collect by tax upon the real and personal property of the said city and county, to be levied and collected at the same time and in the same manner as the contingent charges and expenses of the said city and county are levied and collected, the sum of ten thousand dollars, and pay the same over to the children's aid society of the city of New York for the uses and purposes of said society. § 1, ch. 70, 1865.

§ 766. The objects of the New York infant asylum are to receive and take charge of foundlings and other infant children, of the age of two years and under, which may be intrusted to their charge as hereinafter specified, and to provide for their support, and moral, physical, intellectual and industrial education. § 2, ch. 106, 1865.

§ 767. The said corporation shall have the power to procure, or erect and maintain, either within the city of New York, or in some other suitable and convenient place within the state of New York, and distant not more than thirty miles from the city of New York, a suitable building or buildings for an asylum for such children as may be intrusted to, and received by, them agreeably to the provisions of this act, and shall have power also to procure, or erect and maintain, within the city of New York, a house of reception where such



Children may be first received and temporarily accommodated. Whenever any child shall be received by the said corporation in such house of reception, under the provisions of section eight of this act, it shall not be lawful for said corporation, within the period of thirty days next succeeding, to place such child in their asylum; if such child shall remain in said house of reception for said period of thirty days, unless sooner discharged and removed agreeably to the provisions of this act.

§ 768. same ch.

§ 768. The said corporation may receive and take under its care and management :

1. Children of the age of two years, or under, found in the city of New York, abandoned or deserted as hereafter specified.

Children :
and how
corporation
may
receive
under its
care.

2. Children of like age, born out of wedlock, who, by consent in writing of the mother, may be intrusted to said corporation.

3. Children of like age, whose father or whose mother is dead, and whose surviving parent is, for any cause, unable to maintain them, and who, by consent in writing of such surviving parent, may be intrusted to said corporation.

4. Children of like age, whose parents are, from any cause, unable to maintain them, and who, by consent in writing of the father, or, in case the father shall have been legally declared an habitual drunkard, or a lunatic, or shall be imprisoned on conviction of crime, or shall have been legally declared to have abandoned his family, then by the consent in writing of the mother may be intrusted to said corporation.

5. Children of like age, having no parent living, and who, by consent in writing of their guardian, or nearest relative of full age, may be intrusted to said corporation.

6. Children of like age, who may be transferred and intrusted to said corporation by the commissioners of public charities and correction of the city and county of New York. § 6, ch. 106, 1865.

§ 769. Children intrusted to said corporation by the voluntary act of their parents, guardian, or nearest relations, as hereinbefore provided, shall be deemed to be in the lawful charge and custody of said corporation.

Each intrusting shall be made and evidenced by an instrument in writing in form substantially as follows,

to-wit: I, A. B. (father, mother, guardian, or nearest relative, as the case may be), of a (male or female, as the case may be), infant child, aged _____, named _____ (or _____ named), as the case may be, born at _____, do hereby surrender and intrust to the New York infant asylum, for the period of _____ years, the entire manage-

Form of
instru-
ment for
guardians,
parents,
etc., to
sign.

ment and control of such child, and do hereby assign to and invest said corporation with the same powers and control over said child as those of which I am possessed. § 7, same ch.

An act relating to deserted children of two years old and under.

§ 770. Whenever any child of the age of two years or under shall be found on any street, avenue, highway, lane, alley, public place, dock, pier, vacant lot, or yard, or in any vacant or uninhabited room, house, tenement, shed or building of any kind in the city of New York, abandoned or deserted, it shall be lawful for any policeman or other person so finding such child, to take or cause the same to be taken to the house of reception that may be provided by said corporation in the city of New York, and place such child in the custody of such corporation, thereupon making and subscribing in a register, to be kept for that purpose in said house of reception by said corporation, an entry in writing, describing such child as nearly as may be, and setting forth with particularity the time and place when and where, with the name and residence of the person by whom, such child was so found and abandoned or deserted. § 8, same ch.

Notice to be given by superintendent of house of reception relative to deserted child.

§ 771. The said corporation shall immediately thereupon cause a notice, substantially in the following form, with the blanks properly filled, and subscribed by the superintendent of the said house of reception, to be furnished to the metropolitan police commissioners, who shall cause the same to be posted in each of the police station houses, in said city, viz.:

NOTICE.—This is to certify that a child of about the age of , hair , eyes , color , was on the day of , 18 , found in the city of New York abandoned or deserted, and has been placed in the custody of the New York infant asylum, and unless reclaimed according to law, within thirty days, such child will remain in the charge and custody of said corporation.

Dated 18 .

Superintendent

§ 9, ch. 106, 1865.

Proceedings when child is claimed.

§ 772. If, within said period of thirty days after such notice shall have been so posted, any person claiming to be the parent or lawful guardian of such child shall make oath thereof before some magistrate of the city of New York, such magistrate shall thereupon issue a summons to said corporation to appear before him, at a time and place to be specified, not less than two nor more than four days from the service thereof, to attend the hearing of said claim for such child, and with said summons shall be served a copy of the affidavit so made before said magistrate. Upon the hearing, if the claim-

shall establish by competent testimony, to the satisfaction of the magistrate, that such claimant is the parent or lawful guardian of such child, such magistrate shall thereupon make an order for the delivery of such child to such claimant. And the said claimant shall hereupon remove the said child from the custody of said corporation; provided, however, that if it unsatisfactorily appear to such magistrate that such claimant, from habitual drunkenness, or other vicious or bad habits or mode of life, or from indigence, or from any other cause, is an unfit or improper person to have the care and custody of such child, he shall thereupon dismiss the said claim, and remand such child to the care and custody of said corporation. And in case at the hearing the claimant shall fail to establish by competent testimony, to the satisfaction of the magistrate, that such claimant is the parent or lawful guardian of such child, then such magistrate shall thereupon dismiss the claim, and remand the child to the care and custody of said corporation. § 10, same ch.

In what cases child to be remanded to custody of corporation.

73. In case no such claim shall be made within the period of thirty days, or being made within that time shall be dismissed by the magistrate, then such child shall remain and be deemed to be in the lawful care and custody of the said corporation; if a female, until the age of eighteen years, and if a male, until the age of twenty-one years, unless sooner discharged by the said corporation as hereinafter provided. § 11, ch. 106,

Time in which children are to remain in custody of corporation.

74. If at any time within three years after any child shall be found abandoned or deserted as aforesaid, shall have been intrusted to the custody of said corporation as aforesaid; provided, it shall appear to the satisfaction of the board of managers, or any justice of the supreme court, or any judge, that such child was, for any cause, negligently or improvidently so intrusted, the said board shall thereupon, on the application of the parents or guardian of said child, discharge the said child, and restore it to such parents or guardian. And in case at any time after such abandoned or deserted child shall have been intrusted to said corporation it shall appear to the board of managers, having due regard to the welfare of such child and the purpose of said corporation, that it is prudent or proper to discharge such child, the said board of managers may, in their discretion, thereupon discharge such child and restore it to its parents, guardian or other protector, on such reasonable terms and conditions as the said board may deem right and proper. same ch.

In what cases children to be restored to parents, etc.

In what
case chil-
dren may
be deliv-
ered to
magistrate
etc.

§ 775. Whenever any child being in the custody of the said corporation shall, by the commission of any crime or by confirmed evil habits, have become so degraded or debased as, in the opinion of the board of managers, to be an improper subject for the care and management of said corporation, the said corporation shall have the power to deliver such child into the custody of some magistrate or other competent authority of the city and county of New York, to be disposed of in due course of law. § 13, same ch.

Powers of
corporation
to
bind out
children.

§ 776. The said corporation shall have the power, when the children in their care shall respectively attain a proper age, to place them at suitable employments and cause them to be instructed in suitable branches of knowledge, and at discretion to bind out or indenture such children, when of suitable age, as clerks, apprentices or servants to some profession, trade or employment, for such time or period as they may deem proper, not exceeding, however, in the case of girls, to the age of eighteen years, and in the case of boys, to the age of twenty-one years; provided, however, that in the case of children voluntarily intrusted to said corporation by their parents, guardians or nearest relatives, as hereinbefore provided, the said corporation shall not bind out or indenture any such child for a period beyond the time for which such child has been intrusted to said corporation. § 14, ch. 106, 1865.

Assign-
ment of
indenture
without
consent of
corporation
prohibited.

§ 777. No person to whom any child shall have been bound to service under the provisions of this act, or his executors, administrators or assigns, shall assign or transfer the indenture or contract of service to any other person, nor let or hire out for any period the services of such child, without the consent in writing of said corporation; and, upon granting any such consent, the said corporation may prescribe and impose any terms and conditions they may deem reasonable and proper; and every such assignment, when duly made with consent as aforesaid, shall have the effect to transfer to and vest in the assignees all the rights of the original master; and such assignee shall be subject to all the duties and obligations of such original master. § 15, same ch.

Indenture
annulled
by death
of master.

§ 778. In case of the death of any master to whom any child shall have been bound to service under the provisions of this act, or in case of the death of the assignee of any such master, then such death shall have the effect to cancel and annul the indenture or contract of service; and thereupon the said corporation shall resume the charge and management of such child and have the same power and authority with regard to it as

before the indenture or contract of service was made.
6, same ch.

§ 779. Any indenture or contract of service by which a child shall have been bound out under the provisions of this act may, by the mutual consent of the master or the assignee and the said corporation, be canceled and annulled upon such terms and conditions as may be mutually agreed upon; and thereupon the said corporation shall resume the charge and management of such child, and have the same power and authority with regard to it as before the indenture or contract of service was made. § 17, same ch.

When indenture may be canceled.

§ 780. If any master or assignee shall be guilty of any cruelty or misusage toward any child so bound out to service under the provisions of this act, or shall refuse or neglect to furnish and provide proper food and clothing for such child, or shall commit any other breach or violation of the terms of the indenture or contract of service under which such child is held, such child, or any person on his behalf, may make complaint thereof to the board of managers of the said corporation or to a justice of the supreme court, or to some justice of the peace of the county where such child is held to service, or to the mayor, recorder, or an alderman, or any other magistrate of any city where such child is so held to service, who shall thereupon summon the said master or assignee to appear before them or him, and shall examine into, hear and determine such complaint; and if upon such hearing he said complaint shall appear to be well founded, they or he shall, by certificate in writing, discharge such child from the obligation of service, and restore such child to the charge and custody of said corporation, and with the like powers as before the said indenture or contract of service was made; and the said master or assignee shall be liable to the said corporation in a civil action for breach of the agreement. § 18, ch. 106, 1865.

Proceedings in case of cruelty.

§ 781. The board of managers of the said corporation shall be the guardian of every child bound out or held to service under the provisions of this act, and shall see that the terms of the contract be faithfully performed by the master or assignee, and that such child is properly treated. And they shall inquire into the treatment of each child, and redress any grievance in manner prescribed by law. § 19, same ch.

Duty of board of managers as guardians of indentured children.

§ 782. Every master or assignee to whom any child shall be bound or held to service, under the provisions of this act, shall, at least once in every six months during the term of service, report in writing, to the board of managers of the said corporation, the conduct or behavior of such child, and whether such child is still

Report to be made by masters

living under the care of the person to whom such child was originally bound, and if not, where and with whom such child is living. And all indentures and contracts of service made under this act shall in terms provide for such report being made. § 20, same ch.

Damages recovered to be paid to corporation in trust for child.

§ 783. All damages that may be recovered and received by said corporation of any master or assignee, for the breach or violation of the indenture or contract of service by which any child shall be bound out under the provisions of this act, after deducting therefrom the necessary expenses of recovering and collecting the same, shall be held by the said corporation in trust for, and paid over to, said child; if a female, at the age of eighteen years, and if a male, at the age of twenty-one years; provided, however, that if such child shall die before attaining such age, the said damages shall revert and belong to the said corporation. § 21, same ch.

Supervisors of New York to levy tax for support of children.

§ 784. In each and every year after this act shall take effect, the board of supervisors of the city and county of New York shall levy and collect by tax, at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and shall pay over to the said corporation, the sum of sixty dollars for each child under the age of two years, seventy-five dollars for each child over two and under ten years of age, and one hundred dollars for each child over ten years of age (according to the ages of the children continuing in the house), per annum, and proportionately for any fraction of a year, for each and every child which, agreeably to the provisions of this act, shall be intrusted to the care and custody of the said corporation from the city and county of New York, and shall be supported and maintained by them: Provided, however, that the sum so to be levied and paid over for each child shall not in any case exceed the lowest cost of the support and government of a child of like age, in any of the public institutions at present under the care of the commissioners of public charities and correction of the said city and county of New York. And provided, further, that this section shall not apply to any child provided for in the next section of this act. § 22, ch. 106, 1865.

Amount for each child.

When corporation to be paid from emigration fund.

§ 785. Whenever any child properly chargeable upon the fund placed by law at the disposal of the commissioners of emigration shall, agreeably to the provisions of this act, be intrusted to and supported and maintained by the said corporation, the said corporation shall be entitled to receive from the fund the sum of sixty, seventy-five, or one hundred dollars per annum (according to the ages of such children respectively), and proportionally for any fraction of a year, for every such child; provided,

r, that in no case shall the sum so to be received be the lowest cost of the support and government of of like age in any of the public institutions at under the care of the commissioners of public and correction of said city and county of New § 23, same ch.

i. Schools may be established and maintained by Schools.
l corporation, and shall participate in the distribution of the common school fund in the same manner free as the common schools of the city and county of New York, and the amount so distributed shall be the board of managers of said corporation. § 24,

2.
i. The board of managers of said corporation shall, Report of
before the fourth Monday in January in each and managers.
year, make to the legislature and to the board of
sors of the city and county of New York a de-
report of the whole number of children received
said corporation during the year preceding, speci- What it
he age, sex, residence, place of nativity, and also must
tionality of parents, when it can be ascertained, specify.
ether the parents are living or dead, are temper-
intemperate, and as to all the children in their
during the preceding year, specifying the time
d to instruction, the nature and amount of punish-
the cases of disease, the number apprenticed or
out to service, the number escaped, the number
the, the number restored to parents or guardians,
erwise discharged, and also such information as
ay have received of the conduct of those who
een bound out or apprenticed, as well as the facts
ly in relation to the performance of their duties
e at service; also, the industrial occupations and
s of those at service; also, the receipts, expendi-
ad financial condition of the corporation, and its
l operations with their results. § 25, ch. 106, 1865.

3. The asylum and house of reception of the said
tion shall be subject to visitation and inspection
board of supervisors of the city and county of
York, in any reasonable manner that may be
d by said board of supervisors; and it shall be
ty of said board of supervisors to cause said asylum
use of reception to be visited and inspected at
rice each year. § 26, same ch.

9. The board of managers of said corporation may Children
children in said house of reception similarly situ- from other
om other counties in this state, upon such terms counties.
be agreed upon between them and the superin-
ts of the poor of such counties respectively. The
tendents of the poor in the several counties shall

have the same power to send children under such agreement to said house of reception as the said managers have under this act; and all the provisions of this act shall apply to the children of said counties. § 27, same ch.

Board of supervisors of N. Y. city to collect tax for support of destitute women admitted to hospital

Rate per week.

Tax for support of children born or maintained by institution

Rate per annum for children continued in hospital

Hospital school to participate in school fund distribution.

Regulations therefor.

Asylum for friendless boys in the city of New York.

§ 790. The board of supervisors of the city and county of New York shall levy and collect by tax, in the year one thousand eight hundred and sixty-nine, and every year thereafter, at the same time and in the same manner as the contingent charges and expenses of the city and county are levied and collected, and shall pay over to the nursery and child's hospital of the city of New York the sum of five dollars per week for every destitute woman admitted into the lying-in wards of the nursery and child's hospital, according to the time of the said woman continuing under the care of the said institution; and the further sum of ten dollars per month for each and every child born in the institution, or supported and maintained by said institution, whenever it may be necessary or expedient to place said child in the country, or for want of room in the institution, to find accommodation for it elsewhere; and, also, for all children received and retained in the nursery and child's hospital in the city of New York the sum of sixty dollars for each child under two years of age, seventy-five dollars for each child over two and under ten years of age, and one hundred dollars for each child over ten years of age (according to the ages of the children continuing in the institution) per annum, and in like proportion for any fraction of a year for each and every destitute child which may be supported and maintained in said institution. § 1, ch. 650, 1866, as amended by § 1, ch. 366, 1869.

§ 791. The school established and maintained under the charge of the nursery and child's hospital in the city of New York shall participate in the distribution of the common school fund in the same manner and degree as the common schools of the city and county of New York, and shall be subject to the same regulations and restrictions as are by law imposed on the common schools of the city and county of New York. § 2, ch. 366, 1869, amending § 3, ch. 650, 1866.

§ 792. The persons hereinafter named, and such others as now are or hereafter shall become members of the corporation, in manner hereinafter mentioned, are constituted a body corporate, by the name of the "asylum for friendless boys in the city of New York;" the object of the society shall be to provide a temporary home for destitute boys, between the ages of eight and fifteen years, supply their necessities, promote their intellectual

and religious improvement, and fit them for situ-
usefulness. § 1, ch. 246, 1851.

. The corporate powers of the society shall be
d, in regard to its property, by a board consisting
male trustees; and in regard to the appropriation
income, the care and management of the boys, and
nal and domestic concerns, by a board of female
rs, consisting of a first, second and third directress,
rer, a recording secretary, a corresponding secre-
d twenty-six female managers, residing at the
their election or appointment in the city of New
§ 2, same ch.

Board of
trustees.

Board of
managers.

. The trustees and managers for the time being,
such women as they shall admit as members, and
annually contribute to the funds of the society
of two dollars or upwards, or such other sum as
easter be prescribed by the by-laws of the board
gers, shall, during the respective periods of their
nce in office, and during the years in or for
uch contributions shall be made, be the members
id society, and be entitled to vote at its elections,
on all questions submitted to its decision by the
f managers and board of trustees, respectively, or
f them, at any public meeting of the society
y convened. § 3, ch. 246, 1851.

Qualifica-
tion of vo-
ters.

. In all cases where the legal or natural guardian
r shall commit him to the care and management
orporation, by an instrument in writing, or where
shall, with the consent of the asylum, be com-
o its care by any magistrate of the city of New
nder or by virtue of any existing law or ordi-
hen the said asylum shall have and possess over
boy, so surrendered or committed to it, all the
ppertaining to the natural or legal guardian of
r, and the board of trustees may in their discre-
d out such child to service conformably with the
this state, in regard to the binding out of indi-
ldren; provided, however, that the form of the
re be first approved by the surrogate of the city
nty of New York. § 10, same ch.

Control
over boys
commit-
ted to
their care.

How
bound out.

. The purpose of the said corporation [the Way-
ustrial home] shall be to establish and maintain
tution for the care, support and proper training
eation of destitute children, that they may be
to lead a useful and industrious life, for which
s it is hereby invested with the powers and lia-
and subject to the restrictions contained in and
d by the provisions of chapter three hundred and
1 of the laws of eighteen hundred and forty-eight,
er general laws relating to charitable, benevolent

Objects
and pur-
poses of
wayside
home.
Destitute
children.

Powers
and liabili-
ties.

and scientific institutions in this state. § 2, ch. 354, 1869.

Poor
white chil-
dren.

§ 797. The object of the [Rose benevolent association of the city of New York] shall be to provide for the maintenance, education and employment of such poor white children as may legally be subjected to its control; and for that purpose the said corporation is authorized to purchase and hold such farms and other real estate as it may deem necessary for the accomplishment of the object aforesaid. § 2, ch. 262, 1860.

Power of
Five
Points
house of
industry
to educate
and ap-
prentice
children.

§ 798. The Five Points house of industry, in the city of New York, shall have power to place the children in their care at suitable employments, and cause them to be instructed in suitable branches of useful knowledge, and shall have power, at discretion, to bind out the said children, with their consent, as apprentices or servants, during minority or any less period, to such persons, and at such places, to learn such proper trades and employments, as shall be judged most conducive to the future benefit and advantage of such children; and any person to whom any such child may be bound shall execute a bond to the said corporation, in a sufficient penal amount, conditioned for the good treatment of such child, and to instruct or cause to have him or her instructed in reading, writing and arithmetic, and to give such child, at the expiration of his or her apprenticeship, at least one suit of new clothes and five dollars in money; and the said corporation may insert in the indentures of apprenticeship such clauses and agreements as the poor officers, authorized to bind out children, are empowered or required to insert in like indentures. Children intrusted to this corporation by the voluntary act of their parents or guardians shall be deemed to be in the lawful charge and custody of the said corporation; and such intrusting shall be evidenced by a writing in form, substantially, as follows, viz.:

Person re-
ceiving
child to
give bond.

Condi-
tions of
bond.

Evidence
of the
intrusting
of chil-
dren to
corpora-
tion by
parents,
etc.

"I, A. B., father (mother or guardian as the case may be) of C. D. (a boy or girl), aged years, born in , do hereby intrust to the Five Points house of industry, for the period of years, the entire charge, management and control of the said C. D., and do hereby assign to and invest the said corporation with the same powers and control over the said C. D. as those of which I am possessed. In presence of." § 1, ch. 90, 1866.

Property
of corpo-
ration not
to be
taxed.

§ 799. The real and personal estate belonging to and used for the charitable purposes of said association shall be exempt from taxation. § 2, same ch.

Vacancy
in board of

§ 800. It shall be competent for the board of incorporators, at any annual meeting, to declare vacant the office

7 incorporator who may have been absent for the previous annual meetings of the incorporators, and it instead of such incorporator another to serve in place. § 3, same ch.

Incorporators.

11. It shall be lawful for the institution to own and to obtain, either by purchase, grant or devise, real estate to the value of two hundred thousand dollars; subject to all provisions of law in relation to grants, leases or bequests of property by will. § 4, same ch.

Amount of property corporation may hold

12. The object and business [of the American female reformatory] shall be, by the publication and diffusion of books, papers and tracts, and by other moral and religious means, to prevent vice and moral degradation, and to establish and maintain houses of industry and home for the relief of friendless, destitute or unprotected persons, and for friendless or unprotected children. Part 1, ch. 244, 1849.

Female guardian society.

13. The board of managers shall have power to appoint matrons and such other assistants as they may deem necessary in conducting the domestic and internal concerns of their "house or houses of industry and home for friendless;" to make any by-laws and regulations for the government of their own proceedings, and those of persons so appointed, and of other inmates of their houses or houses; to govern the children under their care, to prescribe their course of instruction and management to the same extent and with the same rights as in the case of natural guardians. § 5, ch. 244,

Matron and assistants may be appointed.

14. In all cases where a child shall have been surrendered by its natural or other legal guardians to the care and management of the society, by any instrument in writing, it shall be lawful for the said board of managers, at their discretion, to place such child by adoption or at service, in some suitable employment and with some proper person or persons, conformable to the laws of this state in regard to the binding out of children; provided that, in all such cases, the terms of the indenture shall be approved by the governor of the almshouse, or by the surrogate of the city and county of New York, which approval shall be signified in such indenture by the signature of such governors or surrogate; but in every such case the requisite provision shall be inserted in the indenture or contract of apprenticeship to secure the child, so bound, such treatment, education or instruction as shall be suitable and useful to the condition and circumstances in life. § 6, ch. 244, 1849; amended by § 1, ch. 159, 1851.

Provision respecting children.

Proviso.

15. The children instructed in the schools connected with the houses aforesaid shall be entitled to draw an allowance from the money

To draw money from

schol
fund.

annual apportionment from the common school fund of the city, under the direction of the board of education, according to the average number in attendance, in the same manner as do the children of other benevolent asylums, and the common or public schools of this city and state. § 7, ch. 244, 1849 ; as amended by § 2, ch. 159, 1851.

Guardians
of aban-
doned
children.

§ 806. In case of the death or legal incapacity of a father, or of his imprisonment for crime, or of his abandoning and neglecting to provide for his family, the mother shall be deemed the legal guardian of her children for the purpose of making such surrender as aforesaid. And if, in any such case, the mother be also dead, or legally incapable of acting, or imprisoned for crime, or shall have abandoned or neglected to provide for her child or children, the mayor, or a governor of the almshouse, or surrogate of New York, shall be, by virtue of his office, the legal guardian for the like purpose, and so in all cases where it cannot, by diligent inquiry, be ascertained that there is, within the state, any parent or other person legally authorized to act in the premises, the said mayor, almshouse governor or surrogate, shall be, ex-officio, such guardians for the same purpose ; and such guardianship shall extend as well to children already in the home of the said society as to those who may hereafter be offered for admission or received therein ; and, in either case, whether each surrender be made by the mother, or by the mayor, almshouse governor, or surrogate, of said city, and whether before or after admission into the said home, it shall be deemed a legal surrender for the purposes and within the true intent and meaning of the sixth section of this act ; but no surrender by a mother, as provided by this section, shall be valid without consent of the mayor of the city, or surrogate of the city and county of New York, or a governor of the almshouse. § 8, ch. 244, 1849 ; as amended by § 3, ch. 159, 1851.

Vagrant
children.

§ 807. Whenever any girl under the age of fourteen, or boy under the age of ten years, shall be brought by any policeman of the city of New York before the mayor or recorder, or any alderman or other magistrate, of the said city, upon the allegation that such child was found in any street, highway or public place in said city, in the circumstances of destitution and suffering, or abandonment, exposure or neglect, or of beggary, specified and defined in the eighteenth section of the act entitled "An act relative to the powers of the common council of the city of New York, and the police and criminal courts of said city," passed January twenty-third, eighteen hundred and thirty-three, and it shall be proved to the satisfaction of such magistrate, by competent testimony, that such child is embraced within the said section, and it

It further appear to the satisfaction of such magistrate, competent testimony, or by the examination of the child, that by reason of the neglect, habitual drunkenness, or other vicious habits of the parents or lawful guardian of such child, it is a proper object for the care and instruction of this society, such magistrate, instead of committing such child to the almshouse of said city, to such other place, if any, as may have been provided by the common council thereof, in his discretion, by warrant in writing, under his hand, may commit such child to this society, to be and remain under the guardianship of its managers, until therefrom discharged in manner prescribed by law; such commitment shall be by warrant, in substance as follows:

To J— D—, one of the policemen of the city of New York: You are hereby commanded to take charge

Form of commitment.

C— E—, a child under the age of fourteen, who has been proved to me by competent evidence, to be embraced within the eighteenth section of the act entitled "An act relative to the powers of the common council of the city of New York, and the police and criminal courts of said city," approved January twenty-third, eighteen hundred and thirty-three, and who also appears to my satisfaction to be a proper object for the care and instruction of the managers of the American Female Guardian Society, and shall deliver the said child, without delay, to the same society, in Thirtieth street, between Madison and Fourth avenue; and for so doing this shall be your sufficient warrant.

Dated this day of , eighteen hundred

But no variance from the preceding form shall be deemed material, provided it sufficiently appear upon the face of the warrant that the child is committed by the magistrate in the exercise of the powers given him by this act. § 1, ch. 249 (2), 1857.

§ 408. Any order so made by any such magistrate shall be executed by any policeman to whom it shall be delivered by the magistrate by conveying the child therein named to the home for the friendless, and such child shall be detained in said home until discharged or removed therefrom in the manner hereinafter provided. § 2, same ch.

Orders to be executed by policemen.

§ 409. Immediately upon the making of any such order, the magistrate making the same shall deliver to a policeman of the city a notice, in writing, addressed to the father of such child, if its father be living and resident within the city, and if not, then to its mother, if

Duty of magistrate.

*An act to amend an act entitled "An act to incorporate the American Female Guardian Society," passed April 6, 1849; passed April 3, 1857.

she be living and so resident; and if there be no father or mother of such child resident within the city, to be addressed to the lawful guardian of such child, if any, to the person with whom, according to the examination of the child, and the testimony, if any, received by a magistrate, such child shall reside; in which notice the party to whom the same is addressed shall be informed of the commitment of such child to the said society, and shall be notified that unless taken therefrom, in the manner prescribed by law, within ten days after the service of such notice, the child therein named shall be deemed legally surrendered to this society, for the purposes within the true intent and meaning of the sixth section of its act of incorporation, passed April sixth, eight hundred and forty-nine. § 3, same ch.

Notices,
how
served.

§ 810. Such notice shall be served by the policeman to whom it shall be delivered by delivering the same to the party to whom it shall have been addressed, personally or by leaving it with some person of sufficient age at the place of residence or business of such party; and it shall be the duty of such policeman immediately to report the fact, and the time and manner, of such service to the magistrate. § 4, ch. 249, 1857.

Further
duty of
magistrate

§ 811. If the party to whom such notice shall have been addressed, or any other person, shall, within the time therein specified, prove to the satisfaction of the magistrate issuing the same that the circumstances want and suffering, or other circumstances, described in the eighteenth section of the before named act, passed January third, eighteen hundred and thirty-three, upon which such child shall have been found, have not been occasioned by the habitual neglect or misconduct of the parents or lawful guardian of such child, then it shall be the duty of such magistrate, by order in writing, addressed to the managers of the said society, to direct the managers to deliver such child to the custody of the party named in such order, who shall thereupon be entitled to take such child away from the said society. § 5, same ch.

Want of
proof.

§ 812. If such proof shall not be produced within the time above prescribed, it shall be the duty of the magistrate by whom the child shall have been committed to the said society to make and transmit to the managers thereof a notice, in writing, to that effect. § 6, same ch.

Final order.

§ 813. If any child who has been previously arrested and delivered to the parent or guardian, as hereinbefore provided, shall again be found in either of the conditions described in the eighteenth section of the act aforesaid, the magistrate before whom such child is brought, upon proof thereof, may forthwith make a final order for the

mitting such child to the care and instruction of this society, without giving the notice provided for in section third of this act. § 7, same ch.

§ 14. If at any time after a child shall have been committed to the said society, as above provided for in this act, it shall be made to appear to the satisfaction of the board of managers of the said society that such child was, on insufficient cause, false or deficient testimony, or otherwise wrongfully or improvidently so committed, the said board of managers shall, on the application of the parents, guardian or protector, and also, if after a child shall have been properly committed to the said society, by virtue and in pursuance of the provisions of this act, any circumstances should occur that, in the judgment of the board of managers of said home, would render expedient and proper the discharge of such child from the guardianship of said board, having a due regard for the welfare of such child and the purposes of this society, the said board of managers, on the application of the parents, guardian or protector of such child, may, in their discretion, deliver up the child to its parents, guardian or protector, on such reasonable conditions as the said board of managers may deem right and proper. § 8, ch. 249, 1857.

Commitments for insufficient cause.

§ 15. The said managers shall have power and it shall be their duty, whenever any child intrusted or committed to their charge shall, by the commission of any infamous crime, or by confirmed habits of vagrancy, have become so degraded and debased as to be an improper subject for their care and management, to return such child to the committing magistrate, or other proper authorities, to be disposed of in due course of law. § 9, same ch.

Powers and duties of managers.

§ 16. If any party to whom the said guardian society shall have intrusted a child shall be guilty of any cruelty, misusage, refusal or neglect to furnish necessary provisions or clothing, or any other violation of the terms of indenture or contract toward any such child so indentured, such child may make complaint thereof to the board of managers of this society, or to any justice of the peace of the county in which such child is so indentured, or to the mayor, recorder or aldermen of any city in which such child is bound to service, or to any such officer, who shall summon the parties before him and examine into, hear and determine the said complaint; and, if upon such examination the said complaint shall appear well founded, such officer shall, by certificate under his hand, discharge such child from his obligation of service, and restore him or her to the charge and management of this society, in the same manner, and with like powers, as before the indenture of such child. § 10, same ch.

Violation of indentures.

- Duty of guardian.** § 817. Where children are indentured, the guardian may be required, after said children shall have attained the age of twelve years, to place annually in the treasury of the American Female Society the sum of ten dollars, which shall be the legal property of such children. If a girl, the aggregate, making sixty dollars, shall be paid to her when she has attained the age of eighteen years, and if a boy, the annual payment, making ninety dollars, shall be paid to him when twenty-one years of age; these respective sums shall be duly credited to said children upon the books of the society, and receipts of the respective payments placed in the hands of the guardian for safe keeping. § 11, same ch.
- Amounts to be paid.**
- Duty of managers.** § 818. The board of managers of this society shall be the guardians of every child indentured by virtue and in pursuance of the provisions of this act. They shall take care that the terms of the contract be faithfully fulfilled, and that such ward be properly treated; and it is hereby made their special duty to inquire into the treatment of every such child and redress any grievance in manner prescribed by law; and it shall be the duty of the guardian to whom any such child shall be indentured, and he shall, by the terms of the indenture, be required, as often as once in six months, to report to the said board of managers the conduct and behavior of the said apprentice, and any thing of special interest pertaining to his welfare. § 12, ch. 249, 1857.
- Society for the relief of destitute children of seamen.** § 819. The persons hereinafter named, and such others as now are or hereafter shall become members of the society herein mentioned, shall be and are hereby constituted a body corporate, by the name of "The Society for the Relief of the Destitute Children of Seamen," whose object and business shall be to afford relief, instruction and protection to the destitute children of seamen in the city and port of New York, it being the opinion of the legislature that the objects of said society, in relation to the holding of property, cannot be obtained under a general law. § 1, ch. 296, 1851.
- Matron and assistants.** § 820. The board of managers shall have power to appoint a matron, and such other assistants as they may deem necessary in conducting the domestic and internal concerns of the society; to make by-laws and regulations for the government of their own proceedings and those of the persons so appointed; to govern the children committed to their care, and to prescribe the course of their instruction and management, to the same extent and with the same rights as exist in the case of natural guardians; and, with the approbation of the board of counselors, to devise and adopt a constitution for the society, and the same again to repeal, amend or alter, as in their judg-

may be necessary or proper: Provided, that such a and constitution shall not be inconsistent with the laws of this state, or the declared objects of this act.

1. In all cases where a child shall have been surrendered by its natural or other legal guardian to the management of the society, by an instrument in writing, or where it is not known that any person in this state legally authorized to make surrender, it shall be lawful for the said board of managers, in their discretion, to bind out such child to some suitable employment, and to some proper person or persons, conformably to the laws of this state relating to the binding out of indigent children; and it shall be the duty of the said board of managers to see, as practicable, that the contract or contracts for service are properly fulfilled and performed in this regard to the children who may be bound out as afore-
§ 8, ch. 296, 1851.

Binding
out of
children.

2. The objects of the [St. Joseph's asylum, in the city of New York] are to support, maintain and educate, in useful knowledge and employment, poor, orphan, half orphan, homeless and neglected children, especially those of German origin. Part of § 1, ch. 378,

St. Joseph's asylum for
German children.

3. The board of managers may receive and prescribe rules for the admission into the asylum of any orphan children, and shall have the custody thereof; all have the power, with the consent of the parent or guardian, if any, and if none, then without such consent, to bind out any such child or children to serve as apprentice or servant in any profession, trade or employment; if a male, until the age of twenty-one and if a female, until the age of eighteen years, or for a shorter time. § 6, same ch.

Managers'
duties, etc.

4. The Roman catholic orphan asylum, in the city of New York, and the asylum for the relief of the children of poor widowers and widows, in the city of New York, are hereby united in one corporation, by the name of the Roman Catholic Orphan Asylum in the city of New York, the object of which shall be to support, maintain and educate orphan and half orphan children. § 1, ch. 378, 1852.

Roman
Catholic orphan
asylum.

5. The board of managers may receive and prescribe rules for the admission in the asylum of any child or children, and shall have the power, with the consent of the parent or guardian, if any, and if none, then without such consent, to bind out any such child or children to serve as clerk, apprentice, or servant, in any profession, trade or employment; if a male, until the age

Children
may be
bound out.

of twenty-one years; and if a female, until the age of eighteen years, or for any shorter time. § 5, ch. 250, 1852.

Title to
real and
personal
estate.

§ 826. All the real and personal estate, at the time of the passage of this act, belonging to either of the asylums mentioned in the title hereof, is hereby vested in the corporation hereby created, in the same manner as the same was heretofore vested in said asylums respectively. § 6, same ch.

Net in-
come not
to exceed
\$30,000.

§ 827. The said corporation is hereby authorized and empowered to take by gift, grant, devise or bequest, and hold, mortgage, sell and convey any real or personal estate; but the annual net income thereof shall not exceed the sum of thirty thousand dollars, and the same shall be applied to the purpose for which said corporation is created. All conveyances of real or personal estate, or of any interest therein, by gift, grant, devise or bequest, heretofore or hereafter made to either of the asylums mentioned in the title of this act, by whatever name, and whether the same may have yet taken effect or not, shall be good and valid, to all intents and purposes, to vest the legal title, as intended by such conveyance, in the corporation hereby created. All laws and parts of laws whereby either of said asylums was entitled to any share of the school moneys or other public funds shall apply to the said corporation, hereby created, in the same manner as they would have applied to said asylums, or either of them, if this act had not been passed. § 7, ch. 250, 1852.

School
moneys.

Roman
Catholic
children.

§ 828. The managers of [the society for the protection of destitute Roman Catholic children, in the city of New York], may procure suitable building sites and lands, and erect and maintain thereon an asylum with its requisite buildings, for such children as, under this act, may be in the care of said corporation, and, until the permanent asylum shall be completed for use, the said managers may procure such temporary accommodations as may be necessary for their purposes. § 4, ch. 448, 1863.

§ 829. Such corporation may take and receive into its care:

Ages of
children.

1. Children, under the age of fourteen years, who, by consent, in writing, of their parents or guardians, may be intrusted to it for protection or reformation.

2. Children, between seven and fourteen years of age who may be committed to the care of such corporation as idle, truant, vicious or homeless children, by order of any magistrate in the city of New York empowered by law to make committal of children for any such cause.

3. Children, of the like age, who may be transferred

the option of the commissioners of public charities and correction of the city of New York to such corporation. § 5, same ch.

§ 830. The said corporation shall have power to place Care of children. the said children in their care at suitable employments, and cause them to be instructed in suitable branches of useful knowledge, and shall have power, at discretion, to bind out the said children, with their consent, as apprentices or servants, during minority or any less period, to such persons, and at such places, to learn such proper trades and employments as shall be judged most conducive to the future benefit and advantage of such children, and any person, to whom any such child may be bound, shall execute a bond to the said corporation, in a sufficient penal amount, conditioned for the good treatment of such child, and to instruct, or cause to have him or her instructed, in reading, writing and arithmetic, and to give such child, at the expiration of his or her apprenticeship, at least one suit of new clothes and five dollars in money; and the said corporation may insert in the indentures of apprenticeship such clauses and agreements as the poor officers, authorized to bind out children, are empowered or required to insert in like indentures. § 6, ch. 448, 1863.

§ 831. Children intrusted to this corporation, by the voluntary act of their parents or guardians, shall be deemed to be in the lawful charge and custody of the said corporation; and such intrusting shall be evidenced by a writing, in form substantially as follows, viz. :

"I, A. B., father (mother or guardian as the case may be) of C. D. (a boy or girl), aged years, born in , do hereby intrust to the 'New York society for the protection of destitute Roman Catholic children in the city of New York,' for the period of years, the entire charge, management and control of the said C. D., and do hereby assign to and invest the said corporation with the same powers and control over the said C. D. as those of which I am possessed." In presence of , § 7, same ch.

§ 832. Whenever any child, above the age of seven and under the age of fourteen years, shall be brought by any policeman of the city of New York before any magistrate of said city, upon the allegation that such child was found in any way, street, highway or public place in said city, in the circumstances of want and suffering, or abandonment, exposure or neglect, or of beggary, specified or defined in the eighteenth section of the act entitled "An act relative to the powers of the common council of the city of New York and the police and criminal courts of said city," passed January twenty-

Form of writing between parents and corporation.

Certain children found destitute to be taken care of.

Regulation concerning.
Form of commitment.

third, eighteen hundred and thirty-three, and it shall be proved to the satisfaction of such magistrate, by competent testimony, that such child is embraced within the said section, and it shall further appear to the satisfaction of such magistrate, by competent testimony, or by the examination of the child, that by reason of the neglect or vicious habits of the parents, or other lawful guardian of such child, it is a proper object for the care of this corporation, such magistrate, instead of committing such child to the almshouse of said city, or such other place, if any, as may have been provided by the common council thereof, in his discretion, by warrant in writing, under his hand, may commit such child to this corporation to be and remain under its care until therefrom discharged in manner prescribed by law; such commitment shall be by warrant, in substance as follows:

"To A. B., one of the policemen of the city of New York: You are hereby commanded to take charge of C. D., a child, under the age of fourteen and above the age of seven years, who has been proved to me, by competent evidence, to be embraced within the eighteenth section of the act entitled 'An act relative to the powers of the common council of the city of New York, and the police and criminal courts of said city,' approved January twenty-third, eighteen hundred and thirty-three, and who also appears to my satisfaction to be a proper object for the care of the corporation created by an act entitled 'An act to incorporate the society for the protection of destitute Roman Catholic children in the city of New York,' and to deliver the said child, without delay, to the said corporation, at its house of reception in this city; and, for so doing, this shall be your sufficient warrant.

Dated this day of , eighteen ." § 8.
ch. 448, 1863.

Duty of policemen.

§ 833. An order so made by any such magistrate shall be executed by any policeman to whom it shall be delivered by the magistrate, by conveying the child therein named to the house of reception to be established by this corporation, and such child shall be detained in such house of reception until discharged or removed therefrom in the manner hereinafter provided. § 9, same ch.

Notice to be served on parent of child or its guardian.

§ 834. Immediately upon the making of any such order the magistrate making the same shall deliver to a policeman of the city, especially detailed for that service, a notice, in writing, addressed to the father of such child, if its father be living and resident within the city, and if not, then to its mother, if she be living and so resident, and if there be no father or mother of such child resident within the city, then addressed to the lawful guardian of such child, if any, or to the person with

whom, according to the examination of the child, and the testimony, if any, received by such magistrate, such child shall reside, in which notice the party to whom the same is addressed shall be informed of the commitment of such child to the house of reception of this corporation, and shall be notified that, unless taken therefrom, in the manner prescribed by law, within twenty days after the service of such notice, the child therein named will be committed to the asylum of this corporation. § 10, same ch.

§ 835. Such notice shall be served by the policeman detailed for that service, by delivering the same to the party to whom it shall have been addressed, personally, or by leaving it with some person of sufficient age, at the place of residence or business of such party; and it shall be the duty of such policeman immediately to report the fact, and the time and manner of such service, to the magistrate, and enter in a book, to be provided for that purpose, and kept at the house of reception of said corporation, the fact of having served such notice, the time and manner of such service; and the record of such fact shall, in all cases, be evidence of the proper service of such notice. Whenever, after careful and diligent search and inquiry, the policeman, whose duty it was to serve the notice above described, shall not have found either the father, mother, legal guardian or person with whom, according to the examination of the child, and the testimony, if any, received by such magistrate, such child shall have resided, it shall be the duty of the superintendent of the house of reception to cause the following notice, with blanks properly filled up, to be posted up in a conspicuous place in the police station-house nearest the alleged residence of the child, viz.:

Manner of service.

Notice.—This is to certify that _____, a child of _____
about the age of _____ years, hair, _____ eyes, complexion, _____ in height, and said to be of _____ descent,
was on the _____ day of _____, eighteen _____, committed by _____ to the house of reception of "The Society for the Protection of Destitute Roman Catholic Children in the city of New York," and that, after careful search and inquiry made by _____, neither the parent, legal guardians, nor persons with whom said _____ is alleged to have resided, can be found.
New York, _____, eighteen _____ Superintendent.

Form of notice.

And the posting of said notice, as above required, shall be deemed as equivalent to having duly served it on the parent or guardian or person with whom the child alleged to or she had resided, in cases where they or either of them could be found. § 11, ch. 448, 1863.

When
child to be
delivered
to parent
or guar-
dian.

§ 836. If the party to whom any such notice shall have been addressed, or any other person, shall, within the time therein specified, prove to the satisfaction of the committing magistrate that the circumstances of want and suffering, or other circumstances, above described, under which such child shall have been found, have not been occasioned by the habitual neglect or misconduct of the parents or lawful guardian of such child, then it shall be the duty of such magistrate, by order in writing, addressed to the superintendent of the house of reception of this corporation, to direct such superintendent to deliver such child to the custody of the party named in such order, who shall thereupon be entitled to take such child from the said house of reception. § 12, ch. 448, 1863.

When
child to be
removed
from
house of
reception
to the
asylum.

§ 837. If such proof shall not be produced within the time above prescribed, it shall be the duty of the magistrate by whom the child shall have been committed to the house of reception, to make and transmit to the superintendent thereof a notice, in writing, to that effect, and thereupon the child named in such notice shall be removed from such house of reception to the asylum of this corporation. Whenever the parent, guardian or next of kin of any child between the ages of seven and fourteen years, about to be finally committed for any of the causes specified in the preceding sections of this act, shall request the magistrate to commit such child to said corporation, it shall be the duty of such magistrate so to commit such child. § 13, same ch.

When
child to be
discharged
from asy-
lum.

§ 838. If, at any time after a child shall have been committed to the said corporation, as above provided for in this act, it shall be made to appear to the satisfaction of the said corporation that such child was, on insufficient cause, false or deficient testimony, or otherwise, wrongfully or improvidently so committed, the said corporation shall, on the application of the parents, guardians or other protector of such child, discharge the child from the said asylum, and restore it to such parents, guardian, or protector; and, also, if, after a child shall have been properly committed to the said corporation, by virtue and in pursuance of the provisions of this act, any circumstances should occur that, in the judgment of the said corporation, would render expedient and proper a discharge of such child from the said asylum, having a due regard to the welfare of the child, the said corporation, on the application of the parents, guardian or protector of such child, may, at discretion, discharge the child from the said asylum, and restore it to its parents, guardian, or protector, on such reasonable conditions as

the said corporation may deem right and proper. § 14, same ch.

§ 839. Whenever any child intrusted or committed to the charge of said corporation shall, by the commission of any infamous crime, or by confirmed evil habits, have become so degraded and debased, in the opinion of the said corporation, as to be an improper subject for its care, the said corporation shall have power to return such child to the committing magistrate, or other proper authorities, to be disposed of in due course of law. § 15, ch. 448, 1863.

When child to be returned to committing magistrate

§ 840. This corporation shall be the guardian of every child, bound or held for service, by virtue and in pursuance of the provisions of this act. It shall take care that the terms of the contract be faithfully fulfilled, and that such person be properly treated; and it is hereby made its special duty to inquire into the treatment of every such child, and redress any grievance in manner prescribed by law. And it shall be the duty of the master or his assignee, to whom any such child shall be bound to service, and he shall, by the terms of the indenture, be required, as often as once in every six months, to report to the said corporation the conduct and behavior of the said apprentice or child so bound to service, and whether such apprentice is still living under the care of the person to whom he was originally bound, and if not, where else he or she may be. § 16, same ch.

Corporation the guardian of every child it binds to service.

Report to be made by the master.

§ 841. The said corporation shall, on or before the fourth Monday of January, in each and every year, make a detailed report to the legislature of the state, and to the common council of the city of New York, of the whole number of children received into the asylum during the year, specifying their name, sex, place of nativity, age, residence, health at the time of admission, religion of parents, state of education, religious instruction, whether their parents are living or dead, temperate or intemperate, the time devoted to instruction, the nature and amount of punishment, the cases of disease, the number apprenticed or who shall have escaped, died or been restored to parents or guardians, or returned to the committing magistrate during the year, and also such information as may have been received of those who have been bound out or apprenticed, as well as the facts generally in relation to the performance of their duties; also, their industrial occupations, with the results thereof, the receipts and expenditures and financial condition of the corporation, and its general operations, with the results thereof. § 17, same ch.

Corporation to report to legislature annually.

§ 842. It shall be the duty of the common council of the city of New York, by committee or otherwise, in its

Duty of common council.

Mayor etc.,
to be ex-
officio
managers.

Yearly
sum to be
levied by
supervis-
ors for the
society
for the
protection
of desti-
tute
Roman
Catholic
children
in the city
of New
York.

discretion, to visit and inspect the said asylum of said corporation twice, at least, in each year, and the mayor, recorder and comptroller of the said city shall be, ex officio, managers of the said institution. § 18, same ch.

§ 843. "The Society for the Protection of Destitute Roman Catholic Children in the city of New York" shall be entitled to receive the sum of fifty thousand dollars, provided a like amount is contributed by private contribution toward the erection of the buildings necessary for the purpose of its corporation, and also yearly the sum of fifty dollars per capita, on average of persons annually maintained in its institution; and the board of supervisors of the county of New York are hereby authorized and directed to levy the said sum of fifty thousand dollars and the said annual amounts, yearly, and the comptroller of the city of New York to draw his warrant for the said several amounts to the said society. The average number of persons thus maintained shall be ascertained by the examination and testimony, under oath, of the president or secretary of said society. § 1, ch. 647, 1866.

§ 844. The society for the protection of destitute Roman Catholic children in the city of New York shall be entitled to receive yearly the sum of sixty dollars per capita, in addition to the amount per capita provided and granted in and by the first section of chapter six hundred and forty-seven of the laws of eighteen hundred and sixty-six, on the average number of persons annually maintained in its institutions; which said sixty dollars per capita shall be annually raised and paid over to said society, in the same manner as is authorized and directed in and by the said first section of said chapter six hundred and forty-seven of the laws of eighteen hundred and sixty-six, in accordance with the provisions of which said act the average number of persons shall also be ascertained. § 1, ch. 428, 1867.

Real estate
and where
such socie-
ty to locate
its build-
ings.

§ 845. The said society may locate its buildings within any part of the metropolitan police district of this state, provided always that it shall keep and maintain a house of reception in the city of New York; and any lands within said district which such society may heretofore have purchased shall be vested in and belong to said society in the same manner and with the same effect, to all intents and purposes, as though the same had been purchased by and conveyed to said society after the passage of this act. § 2, ch. 647, 1866.

Exempt
from taxa-
tion.

§ 846. The real and personal estate belonging to, and used for the charitable purpose of, said association shall be exempt from taxation. § 3, same ch.

7. The trustees, for the time being, of the [Hebrew
 indent and Orphan Asylum Society of the city of New
 shall have the sole and exclusive custody and control
 persons of such orphans, half-orphans, or indigent
 n, of the age not exceeding thirteen years, as they
 free to maintain, provide for, educate and instruct
 the minority of such orphans, half-orphans and indi-
 children; provided that, in respect to any orphan, its
 guardian or nearest relative, or one of the govern-
 the almshouse, and in respect to any half-orphans
 digent children, the parents or surviving parent,
 d guardian, shall consent, in writing, to such child
 maintained, provided for, educated and instructed
 society, or that such half-orphan or indigent child
 be committed to the care and custody of said
 , by any court, magistrate or police justice of the
 New York, in any case where such court, magis-
 or police justice shall acquire jurisdiction, under
 of this state, and in such case such court, magis-
 or police justice shall have the like power and
 ity, with the consent of said trustees, to commit to
 re and custody of said corporation, as can now be
 ed in regard to any other public institution; and
 d corporation can, by agreement and transfer from
 other institution having the legal custody of any
 , half-orphan or indigent children, obtain the care
 stody of such child or children, in like manner as
 h aforesaid consent or commitment; and the said
 s shall have power and authority, on the arrival
 such orphan, half-orphan or indigent child, at the
 thirteen years and upward, to bind them out to be
 and instructed in some necessary or useful em-
 ent, on such terms and restrictions, and to such
 s, and upon such conditions, as the said trustees
 deem proper; and the said corporation is hereby
 in respect to the persons of all such orphans, half-
 s and indigent children, with all the powers and
 ity conferred upon the New York Juvenile Asy-
 y the acts passed June thirty, eighteen hundred
 ty-one, passed July eighteen, eighteen hundred
 ty-three, and passed April seventeen, eighteen
 d and fifty-four, as far as they are applicable to
 ction. § 4, ch. 316, 1860, as modified by ch. 21,

Hebrew
 benevolent
 asylum in
 New York
 to have
 custody
 and con-
 trol of
 certain
 children.

Commis-
 sions may
 be made to
 such asy-
 lum.

Powers of
 asylum
 over or-
 phans.
 See ante,
 §§ 724-750
 for said
 acts.

8. The mayor, aldermen and commonalty of the
 New York are hereby authorized and empowered
 nt and convey to said society, in fee or otherwise,
 thout first exposing the same to public sale, any
 or real estate in the city and county of New York
 they may deem proper, and on such conditions as

Mayor,
 etc., of
 New York
 city may
 convey
 lands to
 society.

they may deem necessary, for the erection of a building for an asylum for such orphans, half-orphans and indigent children. § 5, same ch.

"Hebrew Relief Society," name changed to

§ 849. The name of the society incorporated by an act passed April eleventh, one thousand eight hundred and thirty-one, as the Society for the Education of Poor Children and the Relief of Indigent Persons of the Jewish Persuasion, is hereby changed to that of the "Hebrew Relief Society," by which name it shall be hereafter designated and known. § 1, ch. 90, 1861.

The Metropolitan fire department relief fund, out of what to be provided.

§ 850. The metropolitan fire department is hereby authorized, empowered and directed to set apart and provide, as a fund for the benefit and relief of sick, disabled or indigent firemen under said department, and to aid in supporting the family of any deceased fireman whose decease was the immediate result of accident or injury received while engaged in the performance of any duty assigned by said department, all fines and penalties that said department now or may hereafter be authorized to recover under any law of this state, and also all fines imposed by said department upon any of its officers, agents or firemen, by way of discipline, in deducting the same from the salary of such persons, respectively, for violation or infringement of any of its rules and regulations, or for any delinquency in the non-performance of duty, and also such reasonable contributions as said department may assess, from time to time, upon the pay of its subordinates entitled to benefits in said fund, and also all gifts, grants, bequests or donations to or in favor of said department or the fund herein provided for, and also such other funds as may at any time hereafter be provided for by law; and the fund hereby provided for shall be known as "The Metropolitan Fire Department Relief Fund," and shall be held and dispensed in the manner and for the uses and purposes as follows. § 1, ch. 756, 1866.

Trustees of fund.

§ 851. The mayor of the city of New York, the president of the board of fire insurance underwriters in said city, and the president and treasurer of said metropolitan fire department, and their successors in office, respectively, shall be trustees of said fund; and quarterly said fire department shall account to and pay over to said trustees all moneys received for and on account of said fund; and, from time to time, said trustees shall properly invest said fund, in whole or in part, as they shall deem most advantageous for the interests and purpose of said fund, and shall at all times be authorized and empowered to make all necessary contracts and take all necessary

Investment.

* By § 1, ch. 536, 1870, this Society and the Hebrew Female Benevolent Society of the Congregation Shearith Israel are consolidated into one society, to be known as the "Hebrew Relief Society."

relative to the fund and to do any act or thing, remises, with all the rights, powers and duties which as in law and in fact pertain to trustees of trust. § 2, same ch.

Said fund, as soon as the same shall amount to of ten thousand dollars, shall be liable for the to the recipients of relief severally entitled the sums as follows: To each person permanently while in actual performance of any duty assigned said department, the sum of twenty dollars per for the term of his natural life; to each person all become superannuated after a service of ten the employment of said department, annually an annuity of two hundred and fifty dollars, quarter-yearly, during the term of his natural the family or relatives of any deceased person ll be killed while actually engaged in the perform- any duty assigned by said department, or who from any injuries received resulting from the ince of said duties, the sum of two thousand dol- re paid in the order following: first, to his widow, m surviving; second, to his children under fifteen l any him surviving, equally, share and share hird, to a father living with and dependent on ort for a living; fourth, to a mother living with ndent on his support for a living. § 3, ch. 756,

When and
for what
fund to be
liable.

The said trustees for and on behalf of the uses poses of said fund shall be entitled to receive, and all be paid to them, all duties, taxes, allowances, malties and fees to which the fire department of of New York, as heretofore established, has been re entitled, except the percentage taxed upon the as paid to the agents of foreign insurance com- under chapter one hundred and seventy-eight of of eighteen hundred and forty-nine, and may gift, grant, devise or bequest, any moneys, prop- l or personal, rights of property or other valua- g, the annual income from which shall not exceed of twenty thousand dollars in the whole, and, o the trusts hereby created, shall apply the same xecution and carrying into effect of the objects poses of the said trust, as herein contemplated; devises and bequests to said trustees, or to said all be subject to the provisions of an act entitled t relating to wills, passed April thirteenth, hundred and sixty, and the acts amending the § 4, same ch.

What trust-
tees to re-
ceive in
behalf of
fund.

Said fire department may assess and collect Assess-
ments.
and every person entitled to benefit from said

Insurance
and report

Thistle
Benevo-
lent asso-
ciation.

Mariners'
Family
Asylum.

Owners of
vessels to
pay to Sea-
men's
Fund and
Retreat.

fund a sum, annually, not to exceed twenty dollars, and appropriate said assessments to the uses and purposes of said fund, and said trustees may effect life, accident and benefit insurance upon and in favor of the persons severally entitled to benefit from said fund, in such manner and to such extent as they shall deem proper, and they shall annually report to the governor a statement of their action as such trustees. § 5, same ch.

§ 855. The purpose of "The Thistle Benevolent Association of the city of New York" is for raising by subscriptions, donations, bequests or devise, from members thereof and others, and by annual festivals, a fund to be distributed to the deserving poor, without distinction of sect or country, under the supervision of said corporation. Part of § 1, ch. 67, 1851.

§ 856.* The Mariners' Family Industrial Society of the Port of New York, together with their board of counselors and their successors in office for the time being, shall have the control and management of the building erected on the ground of the Seamen's Retreat, agreeably to an act passed March 17th, 1851, and known as the "Mariners' Family Asylum," and the ground selected by the committee on the ninth day of May, 1851, and approved of by the trustees of the Seamen's Fund and Retreat, and also the right of way to and from said asylum through the grounds of the Seamen's Retreat, until a public street or highway shall be opened, and then such ingress and egress shall be by said street or highway. § 1, ch. 199, 1854.

§ 857. The president of the trustees of the Seamen's Fund and Retreat in the city of New York shall demand and be entitled to receive, and, in case of neglect or refusal to pay, shall, in the name of the people of the state of New York, sue for and recover the following sums from either the owner, owners, or from the master, or from both the owner or owners and master, of every vessel from a foreign port, for the master one dollar and fifty cents; for each mate, sailor or mariner, one dollar.

* Chapter 184 of 1866, entitled "An act for the better protection of seamen in the port and harbor of New York," regulates and provides for the licensing of sailor boarding-house and hotel keepers and agents in the city of New York, and in the city of Brooklyn; creates "a board denominated a board of commissioners for licensing sailors' boarding-houses or hotels in the cities of New York and Brooklyn, consisting of one person, to be selected by each of the following corporate bodies or associations respectively, to wit: The Chamber of Commerce of the state of New York; the American Seamen's Friend Society, in New York; the New York Board of Underwriters; the Marine Society of New York, and the Society for promoting the Gospel among Seamen in the port of New York;" prescribes the duties of such board, and further prescribes that every person receiving the license in the act provided for shall pay to the said board of commissioners the sum of twenty dollars, which, after deducting the actual expenses of said board incurred in the transaction of the business, which expenses shall not exceed the sum of fifteen hundred dollars, shall be by them applied for the relief of shipwrecked and destitute seamen and declares offenses against certain provisions of said act to be misdemeanors, &c., &c.

d, from the master of each coasting vessel, from each
a on board composing the crew of such vessel, twen-
e cents; but no coasting vessel from the state of New
y, Connecticut or Rhode Island shall pay for more
one voyage in each month, computing from the first
e in each year. And the said president may sue for
enalties imposed by law on masters of coasting ves-
or non-payment of hospital money. § 1, ch. 369,

Suits for
such pay-
ments how
brought.
Payments
to Family
asylum.

The trustees of the Seamen's Fund and Retreat,
a city of New York, are hereby authorized and
ed to pay over, monthly, to the treasurer of the
er's Family Asylum, for the maintenance of said
n, ten per cent of the amount of moneys collected
revious month by law upon masters, mates, mariners
amen arriving at the city and port of New York.
h. 199, 1854.

58. The above-named society, together with their
of counselors, shall apply such hospital moneys as
ome into their hands, through the trustees of the
en's Fund and Retreat, for the support and relief of
nte, sick or infirm mothers, wives, sisters, daughters
dows of seamen in said asylum, and at such other
as shall by them be deemed best calculated to pro-
the objects of this section of this act; but no per-
all be relieved from said fund, or received into said
n, unless satisfactory proof be furnished to the so-
that the husband, brother, son or father of the
ant, as the case may be, hath, previous to the time
king such application to be admitted, paid the tax
ed by law on seamen arriving at the port of New
for the term of two years. § 3, ch. 199, 1854.

Money
how ap-
plied.

59. The said society, together with their board of
elors, shall have power to appoint such attendants,
ns, nurses and assistants as may be required in said
n for females, and to fix the amount of salary or
compensation which shall be allowed to them, and
ke such rules and regulations for the government
d asylum as they may, from time to time, deem
ary; and said society shall annually, during the
1 of January, render to the comptroller of the state
w York an exact and minute specification of the
ces to which the moneys appropriated and directed
disbursed by this act have been applied; also, they
state the number of persons relieved from said fund,
eived into the said asylum for females, the number
urged, the number remaining in said asylum, certi-
y the president and secretary of the board of coun-
§ 4, same ch.

Employ-
ees and
their pay.

60. All acts and parts of acts inconsistent with this
e hereby repealed. § 5, same ch.

St. Ambrose society.

§ 861. The object [of The Friendly Society of St. Ambrose Church in the city of New York] is to provide permanent homes for aged and indigent persons of all Protestant denominations, without reference to sex, color or nationality. Part of § 1, ch. 258, 1868.

Property of corporation exempt from taxation.

§ 862. The property of said corporation, both real and personal, not exceeding fifty thousand dollars in value, shall be exempted from taxation so long as it is actually used for the charitable purposes of the said corporation. Part of § 4, same ch.

Samaritan home.

§ 863. The object of ["The Samaritan Home for the Aged of the city of New York"] is to provide a permanent home for aged indigent persons, which shall be open, in its government and its object, to persons of all Protestant denominations. § 1, ch. 122, 1867.

Chapin home.

§ 864. The general business and object of such corporation ["Chapin Home for the Aged and Infirm"] shall be to provide a home and support for aged and infirm persons. § 3, ch. 461, 1869.*

Hebrew female benevolent society.

§ 865. The object of "The Hebrew Female Benevolent Society of the Congregation Shearith Israel in the city of New York" is to afford to the aged, infirm and indigent females, members of the said Congregation Shearith Israel, a comfortable residence, support, employment, medical and other necessary care. § 2, ch. 230, 1855.

New York house and school of industry.

§ 866. The object of the [New York House and School of Industry] shall be to supply work to the aged, distressed and ignorant poor, and to instruct them in such branches of work as they may be able to do, and to aid them in doing the same, and to allow them wages or compensation therefor as they may find suitable; and for these purposes the corporation may purchase materials, hire servants and instructors, and other persons necessary, and may dispose of such materials finished or unfinished, and may hire or purchase such premises as may be deemed suitable, and change the same as they may judge fit, and for these objects may hold real and personal estate, and sell and otherwise dispose of the same, from time to time, and may acquire the same by gift, will or deed. § 2, ch. 394, 1851.

Fulton benevolent association.

§ 867. The objects of said association [Fulton Benevolent Association of the city of New York] are charitable and benevolent, and to afford relief to its members and others in cases of sickness and infirmity. § 2, ch. 457, 1868.

* The purpose of [The Ladies' Aid Society of the city of New York] is benevolent, and its object shall be to aid and assist the indigent sick and disabled, and to provide for their comfortable support and maintenance. § 2, ch. 102, 1870.

8. The objects of "The New York Ladies' Home Society of the Methodist Episcopal Church" Ladies' home, etc. support one or more missionaries to labor among or of the city of New York, especially in the local-own as the "Five Points;" to provide food, clothing and other necessities for such poor; to educate poor men, and provide for their comfort and welfare; and it purpose to maintain a school at the Five Points city; and to perform kindred acts of charity and piety. § 2, ch. 41, 1856.

9. The said corporation [The Presbyterian Home for aged and infirm women] are hereby authorized to take and hold, by gift, purchase, devise or bequest, subject to all provisions of existing laws in relation to devises by last will and testament, but not to exceed five hundred thousand dollars, and may sell, lease and convey for the purposes of said Home, as hereafter defined, the real and personal property of which it may become possessed, for the specific purposes herein set out, and shall be entitled to all the provisions and exemptions of law relating to charitable institutions. § 4, ch. 41, 1869.

10. The general purpose of said corporation shall be to provide a home for aged and infirm female members of the Presbyterian church. § 5, same ch. Purposes of corporation.

11. The object of such corporation ["The Manhattan Eye and Ear Hospital"] shall be the establishment of a hospital in the city and county of New York, for the treatment of indigent persons suffering from diseases of the eye and ear. § 2, ch. 584, 1869. Eye and ear hospital.

12. The object of the [Roosevelt Hospital] shall be the establishment in the city of New York of a hospital for the reception and relief of sick and diseased persons, upon a permanent endowment, pursuant to the directions of the last will and testament of the founder as aforesaid. § 4, ch. 41, 1864. Roosevelt hospital.

13. It shall be the design and purpose of the "German Hospital and Dispensary in the city of New York" to receive the sick and wounded, except those who may be afflicted with infectious diseases, and it shall not be lawful for the trustees or the corporation to ask for such services or remuneration from any indigent patient, whose condition of bodily sickness or wounds is placed under their care, but it shall be lawful for them to demand and receive a remuneration and pay from such patients who are able and willing to pay a reasonable charge for the medical and comfort extended to them on the part of the corporation, and applied to the benefit of the same. § 3, ch. 41, 1866. German hospital.

Poor people not to pay.

Objects of
deaconess
institution
of Evan-
gelical
Lutheran
church.

Powers of
board of
managers

Preamble
as to Wart-
burgh or-
phans'
farm
school.

Appoint-
ment of
director
and chap-
lain there-
for.

Executive
committee
of farm
school
may re-
ceive or-
phan chil-
dren.

§ 874. The objects of "The Deaconess Institution of the Evangelical Lutheran Church" shall be the relief of the sick and insane, the care of orphans, the education of youth, and the exercise of mercy to the unfortunate and destitute. § 2, ch. 161, 1869.

§ 875. [The board of managers of this institution] shall have power to establish, control, govern and manage any orphan house, hospital, asylum, school, retreat, or other institution necessary and proper in carrying out the general objects of the institution as herein declared and set forth; also to contract for and erect all necessary buildings, provide all the necessary accommodations and conveniences requisite for the reception and care of orphans, patients and other inmates; they shall prescribe the kind and character of the orphans and inmates, and the terms and conditions upon which they may be admitted and discharged, and make such regulations for their government, and that of the officers and others employed in and about the institution under their care, as they may deem necessary from time to time. Part of § 4, same ch.

§ 876. Whereas, Reverend William A. Passavant and Peter Moller, Senior, by the aid of sundry charitable persons, have established an orphan institution known as the "Warburg Orphans' Farm School of the Evangelical Lutheran Church," which is located near Mount Vernon, Westchester county, New York, in order that destitute orphan children may enjoy the benefit of a christian home and training, without reference to the faith of their parents or the place of their birth; and whereas, they have placed the same under the immediate supervision and control of the board of managers of the aforementioned "Deaconess Institution of the Evangelical Lutheran Church." § 7, ch. 161, 1869.

§ 877. The board of managers of the said Deaconess Institution shall have the appointment of a director and chaplain for the aforementioned orphans' farm school, whose duty shall be defined in the regulations which may be adopted by the board of managers for the government of this school. § 8, same ch.

§ 878. The executive committee of the orphans' farm school, aforesaid, shall have full authority to receive orphan children of the required age and character, and to have them legally indentured by their guardians and friends, and in all instances where orphans are surrendered to the institution by their legal guardians, or a civil magistrate, either by an instrument in writing or of indenture, they shall, at their discretion, retain such children in the institution until of age, or place them by adoption or at service in some suitable employment, and with some person or persons agreeably to the laws of the

regard to placing out indigent children; and the committee aforesaid shall be the guardians of orphan children as are thus indentured, and take care that the terms of the contract are faithfully filled, and that such wards are properly treated; and hereby made their special duty to inquire into the condition and treatment of every such child, and redress wrong in the manner prescribed by law; and it shall be the duty of every person to whom a child is thus committed, and he shall by the term of indenture be bound to report every six months to the executive committee the conduct and deportment of such child, and any thing of special interest in his welfare. § 12,

Guardianship and care of said children.

To report.

Peter Roedel, Alexander Lange, Frederick Knapp, and their successors, are hereby made a corporation, under the name and title of "The Association for the relief and protection of friendless children of German origin," and are hereby empowered to rent or purchase real estate in the city of New York or Brooklyn for the purpose of founding and endowing an asylum to receive and educate orphan, friendless and illegitimate children of German origin, and apply the funds left by Frederick Stopplebein, deceased, in trust, to his executors, Peter Roedel, Alexander Lange, for that purpose. § 1, 1869.

Objects of the association for the relief and protection of friendless children of German origin.

The object and business of "The Mariners' Industrial Society of the port of New York" is to aid the destitute families of seamen by providing them with a fair remuneration for the female members of the families, and to relieve the necessities of such as are incapable of labor, including their widows and orphans. Part of § 1, ch. 293, 1849.

Mariners' family industrial society of the port of New York.

The object of the said corporation [House of New York,] is to establish and manage an asylum, for the reception and reformation of orphan and fallen women, who may wish to avoid or escape a vicious course of life, or who may be committed to an asylum, for reformation, by the magistrates of the city of New York. § 2, ch. 609, 1869.

Destitute fallen women.

Whenever any female, between the ages of four and twenty-one years, shall be brought by the police, or voluntarily appear before a committing magistrate of the city of New York, charged with being a prostitute, or admitting herself to be such, and professing to reform, and it shall appear that such female has been an inmate of the penitentiary, such magistrate shall make an order that, in lieu of being committed to the workhouse or penitentiary, the said female shall be received to and detained in one of the following institutions.

When females may be sent to certain benevolent institutions.

tutions, viz.: The Protestant Episcopal House of Mercy, New York; The Roman Catholic House of the Good Shepherd, foot of Eighty-ninth street; or the Magdalen Female Benevolent Asylum and Home of Fallen Women, provided that the magistrate shall designate in such order, as the place of detention, such one of the institutions above named as may be selected by the person so committed, unless notice shall have been received from such institution that there is not room for the reception of further inmates. Each of the institutions above named shall receive, monthly, from the comptroller of the city and county of New York, the same amount for the support of each person so committed as is now paid to the New York juvenile asylum for the support of children committed to its charge. § 1, ch. 409, 1867.

Pay to
such insti-
tutions.
See ante,
§ 748.

By section 1, chapter 64, 1870, the commissioners of the sinking fund of the city of New York are authorized to lease to the Foundling Asylum of the Sisters of Charity, of the city of New York, such lots belonging to the city, and situated on the easterly side of Fourth avenue, between Sixty-eighth and Sixty-ninth streets, as may be necessary for the erection of a foundling asylum, upon such conditions, and for such term of years and annual rent, as leases have heretofore been made by the municipal authorities of said city to charitable institutions.

CHAP. XXIX.

NIAGARA COUNTY.

SECTION 883. Acts of superintendents of poor declared valid as to distinction between town and county poor.

884. Acts of board of supervisors declared valid.

885. Overseer of poor of Lockport shall be elected.

886. Overseer of poor of Lockport subject to same restrictions and liabilities as other county towns.

887. Common council of Lockport to appoint three of its body as the committee on license; commissioners of excise in Lockport; who to constitute.

888. City clerk to be clerk of board of excise; and, as such clerk, his duties and compensation; who to be the presiding officer, &c.

889. Powers and duties of the Lockport board of commissioners of excise.

890. Persons that are licensed only to sell liquors in Lockport.

891. Commissioners to grant licenses to sell, &c.; license fees to be fixed by them.

892. Certificates of such licenses; what to contain and where to be posted.

893. License only to be granted on verified petition; how license transferable; board to report quarterly to common council; what such report to contain.

894. A complete record of the names of those licensed, and of their places of business, to be kept by such board of commissioners.

SECTION 895. Penalty for violating any of the provisions of sections 890-894.

- 896. Duties of sheriff, constables, and police officers in respect to the Lockport excise law when board of commissioners may revoke licenses granted by them.
- 897. License fees, fines and penalties; how to be disposed of; suits for penalties; penalties for selling without a license; license fees for licenses granted to tavern keepers or that shall be received in penalties for violation of the same to go for benefit of the poor of Niagara county.
- 898. Provisions of ch. 628 of 1857, and of acts amendatory thereof, in conflict with the excise law of Lockport so far as they relate to Lockport, are repealed; powers and duties of Lockport commissioners of excise within said city.
- 899. Who shall be deemed disorderly persons in Niagara city and vicinity.
- 900. Duties of justices of the peace in respect to such persons; fines and penalties upon conviction, and how to be disposed of.
- 901. Repeal of section 16, ch. 86, 1855.
- 902. Chapter 23, 1864, declared a public act.
- 903. De Veaux college in Niagara county; infant may bind himself under certain circumstances.
- 904, 905. By whose consent; and how to be given.
- 906. Indenture not to express any time when the binding shall expire, &c.
- 907. When trustees may bind out children, and how.
- 908. Trustees to be guardians of children during the time they shall remain in said college.
- 909. Indenture may be canceled, under certain circumstances, by certain judges.

§ 883. The acts and proceedings of the superintendents of the poor of the county of Niagara, as the same have transpired from time to time since the seventh day of October, eighteen hundred and twenty-nine, are hereby declared to be as valid and effectual, and shall be so held in all the courts of this state, as if the resolution of the board of supervisors of said county, abolishing the distinction between town and county poor in said county, passed October seventh, eighteen hundred and twenty-nine, had been filed in the clerk's office of said county on that day, and had since remained, and now remain on file therein. § 1, ch. 280, 1851.

Acts of superintendent of poor of Niagara county declared valid.

§ 884. The resolution of the board of supervisors of the county of Niagara, passed October seventh, eighteen hundred and twenty-nine, or copy thereof, filed in the clerk's office of said county, December thirteenth, eighteen hundred and fifty, shall have the same force and effect in abolishing the distinction between the town and county poor of said county, as if the same had been filed in said clerk's office October seventh, eighteen hundred and twenty-nine. § 2, same ch.

Distinction between town and county poor.

Overseer of the poor in Lockport.	§ 885.* Hereafter the officers of said city [Lockport] shall consist of one mayor, * * * one overseer of the poor. The overseer of the poor shall be elected on a general ballot, to be voted for by all the electors of said city as hereinafter provided. Part of § 1, title 2, ch. 365, 1865 ; as amended by § 1, ch. 835, 1869.
His powers and liabilities.	§ 886. The overseer of the poor shall, subject to the provisions of this act, have the same powers and be subject to the same restrictions and liabilities as overseers of the poor in the towns of the county of Niagara, and, for all purposes relating to the maintenance and support of the poor, the city shall be one of the towns of the said county. § 10, title 4, ch. 365, 1865 ; as amended by § 10, ch. 542, 1866.
Board of excise of Lockport.	§ 887. The common council shall annually, upon the nomination of the mayor, in the same manner as provided by this charter (chapter 365 of the laws 1865) for the appointment of city officers, appoint three of their body who shall be designated as the committee on license.
City board of commissioners of excise.	The mayor and city clerk, together with the committee aforesaid, shall constitute the board of commissioners of excise in and for the territory included within the city of Lockport. § 1, title 12, ch. 365, 1865 ; as amended by § 21, ch. 835, 1869.
City clerk to be clerk of said board.	§ 888. The clerk of the city shall be the clerk of the board of commissioners of excise, and it shall be his duty to attend the meetings thereof, and to keep a record of its proceedings, and such record, or a duly certified copy of the same, or of any part thereof, shall be prima facie evidence of the facts therein contained in any court, or before any officer. The compensation of the clerk of said board of commissioners of excise shall be fixed by the said board, and such compensation shall be paid in the same manner as the other expenses of said board. The mayor shall be the presiding officer of the said board ; a majority shall be competent to transact any business thereof, and in the absence of the mayor, any member (except the clerk) shall be eligible to preside. § 2, same title, as amended.
His compensation therefor.	
Presiding officer. Business quorum.	
Powers of city board of excise in the city.	§ 889. Said board of commissioners of excise shall possess all the powers in and for the said city, except as above heretofore possessed by the board of commissioners of excise of the county of Niagara ; and on and after the passage of this act, all the powers and duties of the said
Powers of county board to	

* Overseer of the poor of the city of Lockport holds his office for one year (§ 13, title 2, ch. 365, 1865), and enters upon his duties on day next following his election (§ 8, same title); such election takes place on the second Tuesday of April in each year (§ 2, same title).

^b Modified by ch. 175 of 1870; see post.

board of commissioners of the county of Niagara, so far as the same relate to or may be exercised within the city of Lockport shall cease and determine. § 3, same title, as amended. cease therein.

* § 890. From and after the passage of this act no person or persons shall, within the said city, publicly keep or sell, give away or dispose of, any strong or spirituous liquor, wines, ale or beer, in quantities less than five gallons at a time, unless he or they may be licensed pursuant to the provisions of this act, and may be permitted by it; except such persons as have licenses heretofore granted by the said board of commissioners of excise of the county of Niagara, during the present unexpired term of their respective licenses, and no longer. § 4, same title, as amended. Licenses for sale of liquors, etc.

* § 891. The said commissioners of excise shall at any time, subject to the provisions hereinafter named, have power to grant licenses to any person or persons of good moral character, and who shall be approved by them, permitting him or them, or his or their assigns, when approved by the board, for one year from the time the same shall be granted, to sell or dispose of, at one named place within said city, strong or spirituous liquors, wine, ale or beer, or any one or more of them, in quantities less than five gallons at a time, upon receiving a license fee, to be fixed in their discretion, not less than thirty dollars and not more than one hundred dollars. § 5, title 12, ch. 365, 1865; as amended by § 21, ch. 835, 1869. Issue of city licenses therefor.

* § 892. Such licenses shall be in the form of a written or printed certificate, stating the name of the person or persons to whom granted, and describing the place where the business authorized by the license is to be carried on; such license shall be signed by the mayor and clerk of said city, and shall be kept posted by the person or persons licensed in a conspicuous position in the room or place where such sale or disposal is made, and shall be exhibited at all times by the person or persons licensed, or by the person acting under such license, on demand, to any member of the said board or of the police force of said city. Any omission so to display and exhibit the said certificate shall be presumptive evidence that such person or persons has and have no license. § 6, same title, as amended. Certificate of license, what to contain.

* § 893. Such license shall only be granted on the written petition to the said commissioners, signed by the applicant or applicants, specifying the place where the business is carried on for which license is asked, and the names of the applicants and of every person inter- To be posted up in place of business.

How transferable.	ested or to be interested in the business which the license shall authorize, the truth of which petition shall be verified by the affidavit of the applicant. Such license shall not be transferable, except by the written approval of said commissioners indorsed upon the same, to be evidenced by a certificate thereof, signed in the same manner as the original licenses are required to be signed, and no person other than the party authorized by the terms of the license shall be entitled to carry on business under it, unless such approval shall first have been made. Such transfer shall not authorize the business licensed to be carried on at any other place than that named in the license. The said board of commissioners of excise shall report to the common council of said city, quarterly, upon each first day of January, April, July and October, the number of licenses granted by them to persons within said city during the preceding three months, to whom granted, the date of such license, the amount of licenses received, and the place where the business is to be carried on. § 7, title 12, ch. 365 ; as amended by § 21, ch. 835, 1869.
Excise board to make quarterly reports.	* § 894. The said board of commissioners of excise shall keep a complete record of the names of all persons licensed as herein provided, and of the place where the business licensed is to be carried on, and the license fee imposed and paid in each case, which record shall at all times be kept by them at the office of the city clerk in said city, and be open to public inspection. § 8, same title, as amended.
Record of licenses granted.	* § 895. Every person who shall violate any of the foregoing provisions of sections four, five, six, seven and eight of this act shall, for each offense, be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than thirty dollars, nor more than one hundred dollars, or by imprisonment for not more than three months in the county jail, or by both such fine and imprisonment. § 9, same title, as amended.
Penalty for violation hereof.	* § 896. It shall be the duty of every sheriff, constable and member of the police force of said city to compel the observance and to prevent the violation of the provisions of this law. The said board of commissioners of excise may, at any time, on the complaint of any resident of the said city, summon before them, or either of the said board of commissioners, any person or persons, licensed as aforesaid, and if the said board shall become satisfied, after an examination of the testimony, that any such person or persons has or have violated any of the provisions of this act, or if it shall appear that any common gam-
Sheriff, police, etc., to enforce act.	
Excise board may revoke licenses.	

bling house or room, or any house or room for the purpose of prostitution, shall, during the existence of such license, have been kept in the same building in which the business authorized by said license has been carried on, or if it shall appear that such person or persons have violated any of the provisions of chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, and of the amendments thereof, they shall revoke, cancel and annul the license or licenses of such person or persons, which they are hereby empowered to do. Upon any inquiry, the said board, or the party complained of, may summon, and the said board may compel the attendance of, witnesses before them, and may examine them under oath. § 10, title 12, ch. 365; as amended by § 21, ch. 835, 1869.

Examination of witnesses.

* § 897. All license fees, fines and penalties herein provided for shall be received by the said board of commissioners of excise, and shall be paid into the police fund of the city, but if no such fund be in existence, the same shall be paid into the general fund of the city. Whoever shall sell any strong or spirituous liquors, wines, ale or beer, in quantities less than five gallons at a time, without having a license therefor, granted as herein provided, shall, in addition to all other penalties, forfeit fifty dollars for each offense, to be sued for and recovered by and in the name of the said board of commissioners of excise, and, when collected, to be paid to the treasurer of said city, as hereinbefore provided, except so much thereof as shall be received for licenses granted to tavern keepers, hotel keepers, or for mechanical or medicinal purposes, or that shall be received for the violation of the same class of licenses, which shall be paid to the treasurer of Niagara county, in which such licenses are granted or violation occur, respectively, for the benefit of the poor fund of such county. § 11, same title, as amended.

Disposition of license fees, fines, etc.

Penalties for selling liquors, etc., without license.

Payment for certain licenses and penalties to county treasurer.

* § 898. All the provisions of chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, and of the amendments thereof, which are in conflict or inconsistent with the foregoing provisions, shall not apply to the said city of Lockport; and the said board of commissioners of excise shall have and possess and exercise all the rights, powers and privileges within the said city, heretofore had, possessed and exercised by the board of commissioners of the county of Niagara. § 12, same title, as amended.

State excise laws conflicting not to apply to city of Lockport. Board of excise.

§ 899. Section fourteen of chapter eighty-six of session laws of eighteen hundred and fifty-five is hereby amended so as to read as follows: In addition to those persons

Who shall be deemed disorderly persons in

Niagara
city and
Niagara
Falls.

described in section one, title five, chapter twenty of the Revised Statutes, all riotous persons, or persons found quarreling in any street, lane or alley, or in any public place, or in view from any public street, lane or alley in said village; any person who shall make an indecent exposure of person in public view; all persons who shall make a noise and disturbance of the public peace; all and every person within said village who shall take or carry away or control any baggage, box, parcel, package or any goods or chattels of any kind whatever, without the consent of the owner thereof, or the person having the same in charge, or by due process of law, within said village, or on territory lying between the village of Niagara City and the village of Niagara Falls; all persons who shall follow, with intent to annoy, by soliciting any person or persons for any carriage, railroad, public house, tavern, place of resort or any other place or places, or for any purpose whatever, within said village of Niagara City, shall be deemed disorderly persons, and may be proceeded against and punished according to the provisions of this act. § 1, ch. 26, 1864.

Duties of
justices of
the peace.

§ 900. When any person charged or complained against as a disorderly person, under the provisions of this act, or of the act hereby amended, shall be arrested and brought before any justice of the peace in said village, the said justice shall proceed in reference to the complaint or charge on which such person is so arrested, and in reference to the disposition of such person, in all respects, as he is authorized and required to proceed by the provisions of the third title of the second chapter of the Revised Statutes, as altered or amended by subsequent laws, in reference to the persons brought before him charged with the crimes or offenses therein enumerated. And whenever a defendant, tried either by the court or by jury, shall be convicted of being a disorderly person, under the provisions of this act, or of acts hereby amended, the court shall render judgment thereupon, and inflict such punishment by fine or imprisonment, or both, as the nature of the case may require, but such fine shall in no case exceed the sum of fifty dollars, nor such imprisonment six months; and when such offender shall be committed to jail the court shall briefly set forth in the commitment the charge upon which the prisoner was convicted, and the chapter of the law under which such conviction was had, and the officer shall deliver the same to the keeper of the jail of said county, who shall receive the defendant as therein directed, and when a fine is imposed by the court as aforesaid, and the same is not immediately paid, the court is authorized to commit such



to said jail at hard labor, or not at hard labor, in
 etion of the court, until such fine shall be paid
 risoner be discharged according to law; and when
 oner shall pay such fine to the sheriff he shall
 h discharge such prisoner, unless such prisoner
 sentenced to both fine and imprisonment, in
 se such prisoner shall be confined as directed in
 mitment; all fines collected by the sheriff under
 shall be paid by him to the treasurer of said
 and all fines imposed or received by any court of
 sessions in said village, and all moneys that come
 hands of any justice of the peace within said
 acting as a court of special sessions, by fines,
 lucting therefrom the cost of prosecution, shall be
 said justice within thirty days after the receipt
 by him to the treasurer of said village. § 2,
 864.

Fines, etc.,
 to be paid
 to treas-
 urer.

Section sixteen of chapter eighty-six of session
 eighteen hundred and fifty-five is hereby repealed.
 e ch.

Repeal of
 § 16, ch. 86,
 1855.

This act is hereby declared a public act, and
 e effect immediately. § 4, same ch.

Whenever application for admission into the
 ax college for orphan and destitute children shall
 : by or for an orphan and destitute child, under
 isions of the will of Samuel De Veaux, deceased,
 he act incorporating said college, said orphan and
 : child, with the consent of the persons or officers
 ter mentioned, may, of his own free will, bind
 by indenture to said corporation, to be admitted
 college as an orphan and destitute child, to be
 aintained and educated according to the provis-
 d in the manner and under all the regulations
 aints, directed or contained in the said will, or
 aid corporation shall, from time to time, make
 id will, or under the act hereby amended, or
 endments as may, from time to time, be made
 and such binding shall be as valid and effectual
 h infant was of full age at the time of such en-
 it. § 1, ch. 385, 1857.

De Veaux
 college, in
 Niagara
 county, or-
 phan and
 destitute
 children
 how
 bound out
 to.

Such consent shall be given:

the mother. If the mother be dead, or be not
 d capacity to give such consent, or refuse, then —
 the guardian of such infant thereby appointed.
 infant have no mother, or none in a legal capacity
 such consent, and there be no guardian, then —
 the overseers of the poor, or any two justices of
 a, or the county judge of the county where such
 all reside. § 2, same ch.

Consent of
 parent, etc.

Id. § 905. Such consent shall be signified in writing, by the person entitled to give the same, by a certificate at the end of, or indorsed upon, said indentures, and not otherwise. § 3, same ch.

**Expira-
tion of
indenture.** § 906. The said indenture shall not express any term or time when the said binding shall expire; but such binding shall, nevertheless, expire, at farthest, at or before the said orphan and destitute child shall attain the age of eighteen years, or at the pleasure of the said board of trustees, or at any other time before his attaining the age of eighteen years, when the said orphan and destitute child shall, by mal-conduct, cease to merit the benefits of said college, and the said trustees shall duly declare the said fact; and such orphan and destitute child shall be bound to abide by and submit to such provisions, regulations and restraints as fully as if he were of full age, and consented thereto, at the time of said binding, and shall be entitled to the benefits of the said college, according to the will of the said Samuel De Veaux, deceased; and the said parties shall be mutually entitled to the benefits of the said college, according to the will of the said Samuel De Veaux, deceased; and the said parties shall be mutually entitled to relief for breach of duty for the other, in the same manner, and by the same tribunals as is now provided by law, in regard to apprentices and their masters, respectively. § 4, ch. 385, 1857.

**Trustees
to bind
out or-
phans, etc.** § 907. It shall be lawful for such corporation, and by such person as they shall authorize, appoint and direct for that purpose, to bind by indenture any and every such orphan and destitute child, who shall have remained in the said college, until he shall, in the judgment of the trustees, have arrived at a suitable age, and before his arrival at eighteen years, to bind as an apprentice to any suitable person in this state, in either of the occupations of agriculture, navigation, arts, mechanical trades, manufactures or professions, as the said orphan and destitute child may elect, or as the trustees of the said corporation may deem proper, and such orphan and destitute child shall be bound to serve the time in his respective indentures contained, so as such time or term of years shall expire at or before the age of twenty-one years, as fully to all intents and purposes as if he were of full age at the time of making such indenture; and the said indenture may contain such covenants and stipulations for the feeding, clothing and educating such orphan and destitute child as the said corporation shall, from time to time, direct, and such covenants and stipulations shall be valid. § 5, same ch.

**Corpora-
tion, when** § 908. The said corporation shall be the guardian of every such orphan and destitute child during the time he

remain in the said college, and shall be invested with all the powers, and authorized to perform all the duties of a guardian. § 6, same ch.

09. It shall be lawful for the said corporation, and the corporation is hereby authorized, to make application at any time after such binding, to the county judge of Niagara county, or to the county judge of any county adjoining Niagara county, or to any justice of the supreme court of the state of New York, to cancel and annul the said indenture or other instrument of binding, and the same shall be no longer binding upon the said corporation; and upon such application being made, and there being given to the overseers of the poor of the town or city in this state in which such orphan destitute child had a residence at the time of his admission, or to the overseers of the poor of the town of Niagara, in the county of Niagara, if such orphan destitute child had no residence in this state at the time of his admission, and sufficient cause being shown to the satisfaction of the said judge or justice to order the said indenture to be canceled and annulled, either absolutely or upon such terms as the judge or justice shall see fit; and the same shall be so canceled and annulled accordingly, and the orphan or destitute child and the corporation aforesaid, and all persons be respectively discharged therefrom. § 7, ch. 385, 1857.

to be guardian.

County judge and justice of supreme court to annul indenture.

CHAP. XXX.

ONEIDA COUNTY.

110. Poor-house, board of supervisors authorized to change location of.

111. Also, to sell poor-house farm.

112. Also to purchase farm, and erect buildings thereon for accommodation of the Oneida county poor.

113. Also, to raise money and levy tax for purpose of poor-house on county farm, in town of Rome.

114. Commissioners appointed to superintend the building of such poor-house.

115. Bond, with sufficient sureties for the faithful performance of their duties, to be given by such commissioners, and filed.

116. Moneys may be borrowed by commissioners, on the credit of the county, and how, with interest, to be repaid.

117. Acting commissioner how to be designated, and compensation to commissioners, who are to account annually to Oneida county supervisors.

RELIEF OF THE POOR.

- SECTION 919. Comptroller of the state, under what circumstances authorized to loan out the capital of the common school fund to Oneida county.
919. Taxes to be levied and assessed by board of supervisors annually to pay interest, &c., on sums borrowed.
920. Vacancy in office of any commissioners to be supplied by board of supervisors at their annual meeting.
921. Supplies (excepting intoxicating liquors) for the relief of the poor; superintendents authorized to purchase and keep on hand, and to hire a store or depot for such purposes, and to employ agent or agents to take the charge thereof; amount to be paid for store-house and for services of agent or agents limited.
922. Such purchases to be made in name of Oneida county deposited at such store, to be delivered to such poor or pauper persons on order of the overseer of the poor at cost price; account of such purchases to be kept and report thereof to be made to board of supervisors; such account to be verified, &c.
923. Such agent or agents to keep a book; what such book to contain.
924. Such supplies to be sold only on order duly issued by the overseer, who shall grant no such order unless for the relief of poor person or persons.
925. Temporary relief may, under directions of the superintendents, be given by overseer of Utica, by orders upon such supplies; what such orders shall contain.
926. Such overseer of Utica, for such relief, to draw only upon such supplies, and in case same are not furnished at cost, how such overseer to proceed.
927. Temporary relief, such overseer to keep book respecting; what shall be entered in such book; such overseer's order, what to contain.
928. Superintendents to make rules and by-laws in carrying out provisions of chapter 217, 1858; audit accounts for articles bought, and draw on county treasurer to pay for such articles.
929. Provisions inconsistent with said chapter repealed.
930. One overseer of the poor in Utica.
931. His salary.
932. How such salary to be audited, &c.
933. Powers and duties of such overseer, and also of common council in respect to such overseer, and also in respect to beggars, vagrants, drunkards, workhouse, hospital, &c.
934. Utica, when to be considered as one of the towns of Oneida county.
935. Civil year, and also fiscal year, under chapter 18, 1863; when to commence.
936. Rome, overseer in, term of office of such overseer, his official bond, powers and duties, salary; poor expenses, duty of common council, &c.
937. Beggars and vagrants in Rome.
938. "The Utica Orphan Asylum;" its object.

Oneida
county
poor-
house.

§ 910. The board of supervisors of Oneida county are hereby authorized, by a vote of two-thirds of all the supervisors elected, to change the location of the poor-

in said county, from its present site to such other as they may deem proper. § 1, ch. 6, 1859.

The said board of supervisors, by a vote of two-thirds of all the supervisors elected, are authorized to sell or lease of all and singular, the poor-house farm and tenancies, situate near the village of Rome, upon such terms as they shall deem advisable, in case they shall desire to change the site thereof. § 2, same ch.

May be sold.

The said board of supervisors, by a vote of two-thirds of all the supervisors elected, are hereby authorized to purchase a farm in some suitable locality within the town of Oneida, on which they may cause to be erected buildings and structures for the accommodation of the poor of said county. § 3, same ch.

Poor farm may be purchased.

The board of supervisors of the county of Oneida are hereby directed, at their annual meeting in the year eighteen hundred and sixty-one, and at each subsequent annual meeting for the term of three years thereafter, to cause, in each successive year as aforesaid, to be assessed, levied and collected, over and above the sum of collecting the same, the sum of four thousand and one hundred dollars upon the taxable property in the county, for the purpose of building a poor-house on the poor-house farm of said county, in the town of Rome; and the sums, when collected, shall be paid to the treasurer of said county. § 1, ch. 41, 1860.

Supervisors of Oneida county to levy tax for building poor-house, etc.

W. S. Bartlett, Squire Utley, J. N. Conant, all commissioners of said county, are hereby appointed commissioners to superintend the building of said poor-house, and they, or any two of them, are hereby authorized to determine the plan, form and manner, in which said poor-house is to be constructed; also, to select the site, on the farm of said county, on which to construct said building, and, as may be necessary, to draw for and receive the moneys appropriated and borrowed for the construction thereof, and to do all such other acts and things as may be necessary and proper to be done to complete the same. § 1, ch. 41, 1860.

Commissioners to superintend building poor-house in Oneida county.

The said commissioners shall, before they enter upon their duties, give a bond to the supervisors of the county of Oneida, with sufficient sureties, to be approved by the county judge of the said county, in a penalty of five thousand dollars, conditioned for the faithful discharge of their duties as such commissioners and expenditure of the moneys committed to their charge for the purpose aforesaid, which said bond shall be filed in the office of the clerk of the county aforesaid. § 3, same ch.

Commissioners to give bond.

The said commissioners are hereby authorized to borrow all or any part of the moneys to be raised by section one (section 913) of this chapter.

Commissioners to borrow money.

act, and to pledge the credit of said county for the payment of the same, with annual legal interest, in four equal annual installments; the first installment of principal to be paid in the year eighteen hundred and sixty-two. § 4, same ch.

Acting
commissioner.

§ 917. The said commissioners, before entering on their duties, shall designate one of their number as acting commissioner, who shall be entitled to a compensation of two dollars per day, and all actual necessary expenses incurred in the discharge of his duties under this act, for his services while engaged in the actual performance of his duties as such commissioner; and the remaining commissioners shall be entitled to a like compensation for their services while engaged in the actual performance of their duties under this act; and the commissioners shall render annually an account of their proceedings and expenditures to the board of supervisors of said county, until they have fully executed their duties under this act. § 5, ch. 41, 1860.

In case the
commissioners fail
to borrow
money,
comptroller
to loan
out of
common
school
fund to
county not
to exceed
\$18,000.

§ 918. In case the commissioners shall fail to borrow the sums of money directed to be raised by section one of this act, or any part thereof, the comptroller is hereby authorized to loan to the county of Oneida a sum of money not exceeding, together with the amount so borrowed by said commissioners, the sum of eighteen thousand dollars, out of any moneys now or hereafter in the treasury of this state, belonging to the capital of the common school fund, on receiving from the treasurer of said county a bond or bonds, conditioned for him as treasurer, and his successor in office, to repay the same in four equal annual installments; the first installment of principal payable in the year eighteen hundred and sixty-two, together with the interest annually on said loan from the time it is made, at the usual rate per annum, and which bond said treasurer is hereby authorized and required to make and execute when thereto requested by the commissioners appointed by this act. § 6, same ch.

Interest to
be levied
and paid,
etc.

§ 919. The board of supervisors of said county shall cause to be levied, assessed and collected, in addition to the sums hereinbefore directed to be levied, assessed and collected, at their annual meeting in the year eighteen hundred and sixty, and annually thereafter, a sum sufficient to pay the interest of the said sum or sums so to be borrowed; and it shall be the duty of the treasurer of said county to pay, out of the sums of money hereinbefore directed to be levied, assessed and collected, together with the interest thereon, when so collected and paid to him, into the treasury of this state a sum sufficient to discharge his said bond or bonds; and in case

the commissioners shall borrow all or any portion of the moneys herein appropriated, as contemplated by section four of this act (section 916), then the treasurer of said county shall pay to the persons designated by the commissioners, the sums of money so borrowed by them, together with the interest thereon, in discharge of the obligations given by said commissioners for the moneys so borrowed by them. § 7, same ch.

§ 920. If either of the commissioners hereinbefore named shall die, resign or refuse to serve, or become incapacitated for discharging the duties of commissioners, the vacancy shall be filled by the board of supervisors of said county at their next annual meeting. § 8, ch. 41, 1860.

Vacancy
in office of
commissioners.

§ 921. The superintendents of the poor of Oneida county shall have power and are hereby authorized, from time to time, to purchase or procure, in anticipation, and to keep on hand such articles of provisions, fuel, articles or things as they may deem advisable, for the purpose of supplying and affording relief to such poor persons or paupers who, through sickness or disability, are by law entitled thereto; also to hire a store, place or depot for such purpose, and, if necessary, to employ a suitable agent or agents to take charge thereof, and apply in a due and prudent manner such relief, on the written orders of the overseers of the poor of said city, as hereinafter provided, under such restrictions and regulations as the superintendents shall or may legally prescribe. The amount paid by said superintendents for the use of storehouse and for the service of said agent or agents, shall not exceed six hundred dollars in any one year; and no intoxicating liquors of any kind whatsoever shall be purchased by said superintendents, for, or kept at said store, place or depot. § 1, ch. 217, 1858.*

Oneida
county su-
perintend-
ents of the
poor to
purchase
provis-
ions, etc.

§ 922. Whenever the superintendents of the poor shall decide to establish such store or depot, they shall be lawfully authorized, and it is hereby made their duty, to make all such purchases in the name of the said county of Oneida, in a prudent and economical manner, and when so procured they shall be deposited in such place, store or depot, as shall have been by them provided, to be by their agent or agents delivered to such poor or pauper persons, on order of the overseer of the poor, at the wholesale or cost price of such provisions, fuel, articles or things; they are also required, and it is hereby made their duty, to keep or cause to be kept, a true and accurate account of all provisions, fuel, articles or things,

Store or
depot to
be estab-
lished.

* "An act amending the poor laws of Oneida county, to enable the superintendents of the poor to establish a store or provision depot in the city of Oneida," passed April 14, 1858; three-fifths being present.

Report to
be made to
board of
supervisors.

by them purchased as aforesaid, together with the whole sale or cost prices thereof, and of all moneys drawn, used or expended for the same, and make report thereof to the board of supervisors of said county, within five days after the commencement of each annual session of said board of supervisors, giving an account of all services rendered, and supplies furnished; stating the time and nature of such services, the amount, quantity and quality of the articles furnished, to whom and the time when delivered, and the cost thereof, duly verified by the oath of such superintendents of the poor, and of their agent or agents; and no accounts by them rendered shall be audited or allowed by the board of supervisors for any supplies claimed to have been purchased or distributed, or for any services rendered, unless the same shall be made out in items, with dates stating the time, the quantity and quality of the articles furnished and distributed; the wholesale or cost price thereof, together with the character and amount of services for which such charge is made; and then, not unless accompanied with an affidavit duly executed and sworn by the superintendents of the poor, and of their agents: that they have not, either directly or indirectly, individually or collectively, been interested in any supplies furnished or distributed by them, or any of them, and they have not received any money, promises or gifts, from any person or persons, from whom or through whom such provisions, fuel, articles or things, shall or may have been purchased or procured. And the said superintendents, at the time of making said reports, shall submit to said board of supervisors, all orders upon which provisions, fuel or other articles or things, have been delivered under this act. § 2, ch. 217, 1858.

Book to be
kept, etc.

§ 923. The agent or agents of the superintendents of the poor shall keep a book in which shall be entered the quality and quantity, together with the wholesale or cost price of each article purchased; they are also required to keep an account, in items, of all provisions, articles or things, by them delivered; and to whom, on the order of the overseer of the poor, and render a just and true account thereof to the superintendents of the poor, when so required. § 3, same ch.

Provisions
not
to be sold.

§ 924. It shall not be lawful for the superintendents of the poor, or their agent or agents, to dispose of, on their own order, or to sell any of the provisions, fuel, articles or things that shall or may be purchased pursuant to the requirements of this act, to any private person or persons, employees, societies or others, except upon an order duly issued by the overseer of the poor; and no order shall be by him granted or issued, unless for the relief of the person or persons therein named. § 4, same ch.

15. It shall be lawful for the overseer of the poor of the city of Utica, in said county, under the directions of said superintendents, to give temporary relief by orders upon such articles and things as may be procured by said superintendents; and all orders for temporary relief given by said overseer shall be truly and shall specify the person in whose favor given, articles and things to be delivered on the order, and quantity of each article or things, and the total amount in dollars and cents, and shall be drawn upon the articles and things thus provided by the said superintendents, and on such place or places so provided as the superintendents shall from time to time designate.

Overseer of poor of Utica to give temporary relief.

16. After said superintendents have established a depot, and while it shall be continued, it shall not be lawful for the overseer of the poor of the city of Utica to draw any order for temporary relief on any other store or stores, but if the said superintendents of the poor shall cause any provisions, articles or things, delivered on orders of said overseer, to be delivered at the cost or wholesale prices thereof, then the said overseer may apply to the first judge of the county of Oneida for an order to be directed to said superintendents, requiring them to show cause before him, at court or at chambers, within more than five nor less than three days' notice, why said provisions, articles or things should not be delivered at the cost or wholesale price thereof. And for the purpose the said county judge shall have jurisdiction of all power and authority to hear and determine said cause, and to enforce his decision by mandamus, and by writ not exceeding ten dollars for each offense. § 6, ch.

No orders to be drawn for temporary relief on any other store.

Powers of county judge. Mandamus etc.

17. The overseer of the poor of said city shall keep a book to be provided by the superintendents of the city in which he shall enter the name of every person who receives relief he shall issue his order as aforesaid, the date of each application, the age, nativity and probable cause of pauperism of such applicant, and the amount of relief granted to each. Such order, when issued, shall specify the date, the amount for which drawn, the name of the person relieved, and shall designate whether for provisions, fuel, or such other articles as the necessities of such applicant may require. He shall also enter the name of the person upon the stub or margin of such order remaining in his possession, which he shall retain in his possession, and deliver to the clerk of the board of supervisors when so ordered. § 7, same ch.

Book to be kept.

18. The superintendents of the poor of said county shall be authorized to make and ordain such rules and

Rules, etc. to be made by super-

intendents
of poor and
orders to
be drawn
on county
treasurer
for pay-
ment, etc.

by-laws as they may think necessary for the purpose of regulating and carrying into effect the powers granted to them under the provisions of this act. The superintendents shall audit all accounts of such articles and things bought by them by virtue and in pursuance of this act, from time to time, as they audit all accounts for articles and things bought for the poor-house, and shall draw orders on the county treasurer to pay therefor. § 8, ch. 217, 1858.

§ 929. All provisions of law inconsistent with the provisions of this act are hereby repealed. § 9, same ch.

Overseer
in Utica.

§ 930. The city officers [of the city of Utica] shall be * * * an overseer of the poor,* * * who shall be elected by ballot by the electors of the city. Part of § 4, title 2, ch. 18, 1862.

salary of
overseer
of poor in
Utica.

§ 931. The salary of the overseer of the poor of the said city [city of Utica] shall be twelve hundred dollars, annually, and shall be in full compensation for all services rendered by him as such officer, including clerk hire. § 2, ch. 104, 1869.

Salary,
how levied
and col-
lected.

§ 932. The amount of such salary shall be audited, levied and collected in the same manner as other town charges in said city. § 3, same ch.

Powers,
duties and
liabilities
of such
overseer.

§ 933. The overseer of the poor shall, subject to the direction of the common council, under such rules and regulations as the mayor and board of auditors of the town of Utica shall from time to time prescribe, possess all the powers conferred by law upon the overseers of the poor of the several towns of Oneida county, and be subject to the same duties, liabilities and obligations. § 21, title 2, ch. 18, 1862, as amended by § 3, ch. 28, 1870. The common council may remove from office the treasurer, clerk, city attorney, overseer of the poor, assessors, collectors or constables. No such officer shall be removed except for cause, and not until he shall have notice in writing of the character of the charges made against him, and an opportunity be given him of being heard in his defense. The cause of such removal shall be assigned in writing and entered in the records of the proceeding of the common council. § 44, title 3, ch. 18, 1862, as amended by § 7, ch. 28, 1870. The common council [of the city of Utica] is particularly authorized to enact

Power of
common
council to
remove
overseer.

Also in
respect to
beggars,
vagrants
and
drunkards
in Utica.

* By section 10, title 2, ch. 18, 1862, it is provided that all officers elected by the electors of the city of Utica shall enter upon the duties of their offices on Tuesday succeeding their election, and continue in office until the Tuesday succeeding the next annual city election, excepting the recorder, justices of the peace, aldermen and assessors. By section eleven of the same title, it is also further provided that all officers of said city shall continue in office until their successors are elected or appointed, and have taken their oath of office and become qualified to serve therein. And by section six of the same title it is further provided, that an election for officers of the city, except the recorder, to be called the city election, shall be held annually on the first Tuesday in March, at such places as the common council shall from time to time appoint.



ices to restrain and punish vagrants, mendicants, beggars and persons soliciting alms, keepers of ill fame, common prostitutes, bawds and disorderly persons, and to prevent and punish drunkenness and disorderly or immoral conduct in public places and

Sub. 3, § 35, title 3, ch. 18, 1862. The common shall have power to occupy and maintain as a workhouse the building and premises in said city, as the city hospital; to appoint keepers thereof, officers of the persons confined therein or required or as hereinafter mentioned, and to prescribe all regulations for the government of such workhouse and the officers thereof. The common council have power to require and compel all persons who are committed to jail by the recorder under the tenth section of an act entitled "An act to suppress intemperance, and to regulate the sale of intoxicating liquors," passed April 16, 1857, or under either of acts entitled "Of beggars and vagrants," or "Of idle persons," or by any justice of the peace of said city, during the absence or inability of the recorder, or a vacancy in his office; and all persons who are committed to jail for any violation of the ordinances or police laws or regulations of said city, to be set at hard labor in such workhouse, or to labor in streets or elsewhere in said city. And, in case such persons shall refuse to perform such labor, the common council shall have the power to inflict such reasonable punishment as shall be necessary to secure obedience and submission. The city shall have the benefit of the labor of such persons; and in case where such persons shall perform public improvements authorized by the common council, under the provisions of this act, the reasonable value of such labor, to be determined by the common council, may be included in the costs and expenses of such improvement, and assessed upon the property benefited and where such assessment is authorized by the provisions of this act. § 78, title 6, ch. 18, 1862.

Also, in respect to workhouse, city hospital, etc.

4. The city of Utica, for all purposes except those provided for in this act, shall be regarded as one of the cities of Oneida county. § 137, title 12, ch. 18, 1862.

Town of Utica.

5. The fiscal year, under the provisions of this act, shall commence on Thursday of the second week before the annual city election. The civil year shall commence on the second Tuesday in March in each year. title 12, ch. 18, 1862.

Fiscal year.

Civil year.

6. [There shall be] one overseer of the poor [of the city of Rome, who] shall be appointed by the mayor and

Rome, overseer of the poor,

how to be appointed. His qualifications.	common council. Part of § 1, title 2, ch. 25, ^a 1870. [Such overseer must be a resident of the city, and his removal therefrom would render the office held by him vacant from the time of such removal. § 16, title 2, ch. 25, 1870.] All officers elected or appointed under this act, except aldermen, recorder and justices of the peace, shall hold their offices for one year, and until their successors shall qualify.
Term of office.	But the common council may remove at pleasure any officer appointed by them, and appoint another in his stead, who shall hold until the expiration of the term of his predecessor, subject to the like power of removal by the common council. § 14, title 2, ch. 25, 1870. At the first regular meeting of the common council, after their organization, subsequent to the annual election (which was held on the first Tuesday of March, 1870), as prescribed by this act (and by § 2, title 2), or at some subsequent meeting, and as soon thereafter as may be, it shall be their duty to appoint one overseer of the poor. Part
Removal of overseer; how may be made.	of § 17, same title. The overseer of the poor shall, before he enters upon his office, execute and file with the chamberlain a bond, ^b to the city of Rome, in such sum as the council shall direct, and with such sureties as the mayor shall approve, conditioned that he shall faithfully discharge the duties of his office and pay over all moneys received by him. § 21, same title. The overseer of the
Appointment, when made.	poor provided for by this act shall have the same powers and duties as overseers of the poor in any town in the county of Oneida, except as otherwise provided by this act. The said overseer shall receive for his services a salary, not exceeding eight hundred dollars in each year, to be fixed by the common council, and shall not take or receive any other fee or reward for any services whatever, and shall report all cases of temporary relief, and the manner of it, to the common council, at the end of every month, and in the performance of his duties shall be under the control of the common council, and shall afford no
Such overseer to execute official bond.	
His powers and duties.	
Salary.	
Monthly report of overseer.	

^a An act to incorporate the city of Rome. Passed February 23, 1870; three-fifths being present.

^b § 23. If any officer, who shall be required by any of the provisions of this act, or by any ordinance of the common council, to execute any bond or other instrument before entering upon the duties of his office, shall fail to execute the same in the manner prescribed by this act, or by any such ordinance, within ten days after he shall have been duly notified to do so, the common council may declare his office vacant, and proceed to cause the same to be filled in the manner provided in this act in cases of vacancies in office. § 23, title 2, ch. 25, 1870.

§ 24. No member of the common council shall be appointed to any office by the common council; nor shall any alderman or the mayor be in any manner, directly or indirectly, interested in any contract to which the city shall be a party; and any such contract, in which any such officer shall be or become interested, shall thereby and thereupon be and become void. § 24, same ch.

§ 25. If any person having been in office in said city shall not, within ten days after notification and request, deliver to his successor in office all property, papers and effects of every description in his possession, or under his control, belonging to said city, or appertaining to the office so held, he shall forfeit and pay to the use of said city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. § 25, same ch.

further temporary relief in cases reported as above without direction as to manner and amount of the common council, and shall give such surety, by bond or otherwise, for the performance of his duties as the common council shall prescribe. The expenses for the poor, including the salary of the overseer, as audited by the common council, shall be levied by the board of supervisors upon the city as hitherto upon the town of Rome. Part of § 3, title 4, ch. 25, 1870.

Overseer
to give
surety.

Poor ex-
penses.

§ 937. The common council shall have power within said city [of Rome] to make, establish, publish and modify, amend and repeal rules, regulations and by-laws, to restrain and punish vagrants, mendicants, street beggars, and common prostitutes. Sub. 8 of § 8, title 2, ch. 25, 1870.

Beggars
and va-
grants in
Rome.

§ 938. The sole object of said society [the Utica orphan asylum] shall be the support and education of orphan children, but the trustees and managers of said society may, under such regulations as they shall, from time to time, adopt, admit children who have one parent living to a participation in the benefits of said society. The said corporation may, for the purposes of the society, take by gift, grant, devise, bequest or purchase, and hold real and personal estate, to an amount not exceeding one hundred and fifty thousand dollars. § 2, ch. 267, 1830; as amended by § 3, ch. 55,* 1856.

Object of
the Utica
orphan
asylum.

May re-
ceive
bequests.

CHAPTER XXXI.

ONONDAGA COUNTY.

SECTION 939. Accounts of superintendents of the county poor-house and of the overseers, for services and expenses incurred by them for the temporary relief of the poor, to be audited by board of supervisors.

940. Supplies to be furnished to the county poor; board of supervisors have power to contract respecting, and to fix salary of, Syracuse overseers.

941. Superintendents constituted a subordinate auditing board.

942. Salary of physician attending county paupers; the board of supervisors empowered to fix.

943. Supplies; superintendents and overseers not to be interested personally in contracting for; how accounts for supplies only to be audited.

* An act to revive and amend the act to incorporate the orphan asylum society in the city of Utica. Passed March 22, 1856.

RELIEF OF THE POOR.

SECTION 944. Annual statements of amounts received and disbursed, made by superintendents of the county poor-house, to be rendered to the supervisors.

945. Repeal of inconsistent laws.

946. Supply of water for county poor-house; superintendents authorized to take proceedings to obtain.

947. Costs and charges for such proceedings to be a county charge.

948. Indians, sick and indigent; board of supervisors required to employ physician to attend upon; bills of such physician to be audited by such board, and how to be paid.

949. Appropriations to be made by the legislature for that purpose, and the same to be paid to Onondaga county treasurer.

950. Supervisors, when may also make additional appropriations.

951. Overseers in Syracuse.

952. Their powers and duties.

953. Poor and work-house in or near Syracuse to be erected and established.

954. Also a hospital for the sick.

955. Moneys for the erection of such work-house and hospital, etc., how to be raised.

956. Grounds for such workhouse and hospital to be selected and purchased under direction of common council, etc.

957. Work-house and hospital to be under management and control of common council.

958. Persons applying for relief in Syracuse; when overseer authorized to send to poor and work-house or hospital.

959. Superintendent of the poor and work-house; the common council to appoint; compensation and duties of such superintendent.

960. Persons in such poor and work-house as are able to work under direction of such superintendent; such persons refusing to work, when may be dismissed from such work-house.

961. Persons applying for relief while such work-house and hospital are in the progress of erection, when may be put to work upon the building.

962. Expenses of hospital and of work-house; how to be audited and paid.

963. Common council of Syracuse may enter into agreement with Onondaga county, and with the towns of said county, or any of them, for the care and support of paupers at such work-house and hospital; removal of such paupers to such hospital and work-house.

964. "Physician of hospital" to be appointed by common council; his term of office, pay, and powers and duties.

965. Chapter 146 of 1852 declared a public act.

966. Sale of the Syracuse city poor and work-house property authorized.

967. Bequests of David Hall, deceased, to the overseers of the poor of the town of Skaneateles, legalized, and such overseers and their successors authorized to take and receive the same; bonds to be executed by such overseers, and what such bonds to contain.

SECTION 968. Such bonds and sureties to be approved by supervisor of such town and filed.

969. Such overseers to account at annual meeting to board of town auditors.

970. Investment of such bequests to be made, and the income arising therefrom how to be applied.

971. Actions by overseers authorized for recovery of such funds loaned.

972. Bonds given in pursuance of section 967, how to be given, &c., and moneys collected thereon to be paid over to the overseers.

973. Syracuse home association; its object and business.

974. Board of managers of such association; their powers.

975. Children surrendered to the charge and direction of such association; the board of managers may place at some suitable employment, &c.

976. Who to be ex officio guardians of children for the purpose of making surrender of them to such association.

§ 939. The board of supervisors of the county of Onondaga shall hereafter, at their annual meeting, audit and settle all accounts of the superintendents of the county poor-house of said county; the accounts of the overseers of the poor of the city of Syracuse, and of the several towns in said county, for services and expenses incurred by them for the temporary relief of the county poor of said county, and the accounts of all other persons for like services rendered, or for supplies furnished, and for medical attendance by physicians for the poor, chargeable to said county. § 1, ch. 231,* 1852.

Accounts of the superintendents of the Onondaga county poor-house to be audited by supervisors.

§ 940. The board of supervisors of said county shall have power to contract with any person or persons, also with the mayor and common council of the city of Syracuse, for supplies to be furnished to the poor chargeable to said county as county paupers, and to fix the salary of the overseers of the poor of the city of Syracuse, in the said county, for their personal services in discharging their official duties, so far as relates to the paupers of said city, chargeable to the said county of Onondaga. § 2, same ch.

Board of supervisors may contract for supplies. See post, § 939.

§ 941. The superintendents of the poor of the county of Onondaga are hereby constituted a subordinate board to assist in auditing the poor expenses of said county, and shall be under the direction and control of the board of supervisors of said county. § 3, same ch.

Superintendents of poor, a subordinate board

§ 942. The board of supervisors of said county shall have power to fix the salary of the physician attending the sick paupers chargeable to said county, and may contract for medical attendance on said county paupers. § 4, ch. 231, 1852.

Salary of the physician.

* An act entitled "An act in relation to the auditing the expenses for the support of the poor, and the purchase of supplies in the county of Onondaga," passed April 12, 1852.

Superintendents and overseers of the poor not to be interested in any supplies.

§ 943. The superintendents of the county poor-house of the county of Onondaga, the overseers of the poor of the towns and of the city of Syracuse in said county shall not, directly or indirectly, be interested in any supplies furnished or ordered by them or any of them; and no accounts shall be audited by said board of supervisors for services rendered and supplies furnished for the poor of said county, unless the same shall be made out in items, with dates, stating the time and nature of the services rendered, the quantity and quality of the articles furnished and the time when delivered, duly verified according to the form prescribed by law applicable to accounts audited by boards of supervisors. § 5, ch. 231, 1852.

Superintendents to render an account of moneys received.

§ 944. The superintendents of the county poor-house shall render, under oath, to the supervisors at their annual meeting, a true and faithful statement of all the moneys received by them from the said county; also all moneys received from the commissioners of emigration for the support of county paupers; and of all the products raised on the farm belonging to the said county poor-house; also, of what disposition has been made of the same, and whether any labor has been performed by county paupers, or by any property belonging to the county; and if so, in what way and for whose benefit was the same performed. § 6, same ch.

Repeal.

§ 945. All provisions of law inconsistent with the provisions of this act are hereby repealed. § 7, same ch.

Supply of water for Onondaga county poor-house. Proceedings to obtain, how had.

§ 946. For the purpose of supplying the county poor-house in the county of Onondaga with water, said county, through the superintendent of the poor thereof, may take the same proceedings in relation to any waters, streams or springs in the vicinity of said county poor-house, and the purchase and taking of such waters, streams and springs, and the land connected therewith, as the Syracuse city water works company is now authorized by law to take; and, for the purpose aforesaid, all the provisions in relation to making surveys and taking waters, streams and springs, and the appraisal thereof, and the compensation therefor contained in the act entitled "An act to incorporate the Syracuse City Water Works Company," passed April fifth, eighteen hundred and forty-nine, and the several acts amending the same, are hereby made applicable to said county of Onondaga, acting in the manner aforesaid; but the three streams lying north and west of said poor-house, known respectively as the Furnace, Kenyon and Loomis brooks, are expressly excepted from the operation of this section. § 1, ch. 812, 1867.

Exception.

Costs and charges.

§ 947. The costs, charges and expenses necessarily incurred in the proceedings under the first section (section 946) of this act, including compensation for waters,



12. springs and land, shall be a charge upon said
r of Onondaga, and shall be levied and collected as
county charges by the board of supervisors of said
r. § 2, ch. 812, 1867.

18. The board of supervisors of the county of Onon-
are hereby authorized and required to employ
lly hereafter some suitable and competent physician
and upon and minister to the necessities of sick and
ent Indians of said tribe of Onondaga Indians, or
ent Indians of other tribes who may be temporarily
ng with them, and procure and furnish to them, in
on to professional services, such necessary medicines,
r food and attendance as he may deem fit and proper
eir condition. And all bills made by such physician,
the provisions of this section, for such medical aid,
ines, food and attendance, when properly verified
ling to law, shall be audited and allowed by the
board of supervisors of said county, and upon their
to be paid by the county treasurer out of the moneys
s hands specially provided for the purpose in the
d section (section 949) of the act hereby amended.
h. 206, 1858, as amended by § 1, ch. 134, 1861.

Onondaga
Indians
and other
indigent
Indians.
Duties of
board of
supervisa-
ors in
respect
thereto

49. To carry into effect the provisions of this act,
egislature shall annually appropriate such sum as
be necessary, not exceeding three hundred dollars,
paid out of the general fund, to the treasurer of the
ty of Onondaga, on his warrant, to be by him kept as
d to be applied and paid only as is provided in the
section of this act. § 2, ch. 206, 1858.

Legisla-
ture an-
nually to
appropri-
ate a sum
of money.

50. If in any year the board of supervisors of the
ty of Onondaga shall deem the appropriation provided
e second section (sec. 949) of this act inadequate or
icient to carry out the intention and aim of this act,
may appropriate, in addition thereto, such sum of
y as they may think necessary therefor, out of any
ys which may come into the treasury of said county,
g from that portion of the moneys collected as fines
lling liquor to the Indians and for trespasses upon
n lands, which now by law is paid over to the chiefs
e Onondaga Indians; but all such moneys shall be
lly appropriated by the board of supervisors them-
s, upon the recommendation of the supervisor of the
of Onondaga and the agent of the Onondaga Indians,
e applied and disbursed in the same manner and by
ame person or physician as is provided in the first
n (sec. 948) of this act. § 3, same ch.

Supervisa-
ors may
make ad-
ditional
appropria-
tions out
of fines
collected
for selling
liquor to
Indians,
etc.

51. The officers of the city [of Syracuse] elected by
ral ticket shall be two overseers of the poor (one of

Overseers
of poor in
Syracuse.

Their term of office and powers.	whom, and only one, shall reside, serve and keep his office in the first ward). Part of § 1, title 3, ch. 63,* 1857.
Poor and work-house shall be erected.	§ 952. The overseers of the poor shall hold office one year, and possess all the powers and authority of overseers of the poor in the several towns of this state and county, and shall be subject to the same duties, obligations and liabilities. ^b § 8, title 5, same ch.
Hospital.	§ 953. There shall be erected and established in, or near the city of Syracuse, a poor and work-house, ^c for the reception, maintenance and employment of poor persons. § 1, ch. 146, 1852.
A sum not exceeding \$16,000 may be borrowed.	§ 954. There shall also be erected and maintained in or near said city a hospital for the sick. § 2, same ch.
Common council to select grounds.	§ 955. The common council of said city is hereby authorized to borrow, on the credit of the city corporation, a sum not exceeding sixteen thousand dollars, payable in annual installments of two thousand dollars each, with annual interest, to be expended in the erection of said poor and work-house and hospital, and in the purchase of lots and grounds on which to locate the same, and to be used in connection therewith. § 3, same ch.
To have the management, direction, etc., of the work-house and hospital.	§ 956. The grounds for the said poor and work-house and hospital shall be selected and purchased by, or under the direction of, the said common council; and the conveyance or conveyances of the same shall be executed to the city corporation; and all the necessary buildings and fixtures shall be erected and constructed under the direction of the common council, or under the superintendence and direction of some person or persons appointed for that purpose by said common council. § 4, same ch.
	§ 957. The management, direction and control of the said poor and work-house and hospital shall be vested in the said common council, who is hereby authorized and empowered to make by-laws and ordinances relative to the admission of the sick into the hospital; to establish

* An act to revise the charter of the city of Syracuse, passed March 3, 1857; three-fifths being present.

^b Sections eleven and twelve of title six, chapter twenty-eight, of eighteen hundred and fifty-four, which chapter is also entitled "An act to revise the charter of the city of Syracuse," are as follows:

§ 11. The overseers of the poor shall be elected annually; they shall possess, subject to the direction of the common council, all the powers and authority of overseers of the poor in the several towns in this state, in relation to the support and relief of indigent persons; the binding out of children, who or whose parents shall become chargeable to the said city, or the county of Onondaga in the said city; the safe keeping and care of lunatics; the care of habitual drunkards; binding and contracting for the services of disorderly persons; the support of the bastards, and proceedings to charge the fathers of such bastards; and all such other powers as are conferred on overseers of the poor in the respective towns and they shall be subject to the same duties, obligations and liabilities.

§ 12. The common council may prescribe to what persons, and in what manner, support and relief may be furnished. The overseers of the poor, or either of them, shall have power to commit indigent or poor persons, chargeable to the said city, to the "poor and work-house" of said city for support and assistance.

^c By chapter 202 of the laws of 1867 the sale of the Syracuse poor and work-house is authorized. See post, section 966.

des for the regulation and discipline of the said poor and work-house and hospital, respectively; to appoint necessary officers to take charge of the same; to fix their compensation and prescribe their duties, and generally to make all such by-laws and ordinances as said common council shall deem expedient for the government and management thereof. § 5, ch. 146, 1852.

§ 958. When any person having a settlement in said city shall apply for relief to the overseers of the poor of said city, or either of them, and it shall appear that such person is in such indigent circumstances as to require any considerable amount of relief, and can be safely removed, said overseers, or either of them, shall cause the poor person to be taken to said poor and work-house and hospital, to be relieved, provided for, attended and employed, as the circumstances of the case may require. § 6, same ch.

When any person shall apply for relief.

§ 959. There shall be appointed by the said common council a person who shall be known and designated as the "superintendent of the poor and work-house," who shall, under the direction of the common council, have the control and superintendence of the said poor and work-house; he shall hold his office during the pleasure of the common council, and shall receive such compensation as it shall designate; and before he enters upon the duties of said office he shall execute a bond to the city corporation in such sum, and with such surety or sureties, as the common council shall approve, conditioned that he will, in all respects, faithfully discharge the duties of his said office, which said bond shall be filed in the city clerk's office. § 7, same ch.

Superintendent of poor and work-house shall be appointed.

§ 960. Every person maintained at such poor and work-house, whose age and health will permit, shall be employed by or under the direction of the said superintendent at such work and labor, and at such place in or near said city, as the said superintendent shall direct; the work to be adapted, as far as consistent, to the capacity of the individual; and in case any such person shall neglect or refuse to perform the work assigned to him or her by the person in charge, on two different occasions, such person shall be dismissed from the poor and work-house without further relief. § 8, same ch.

Persons in poor-house to work under direction of superintendent.

§ 961. At any time during the erection of said poor and work-house and hospital, or either of them, an overseer of the poor of said city, to whom any person (being a male) shall apply for relief, if the age and health of such person will permit, may direct such person to work and labor in the construction of the necessary buildings and erections, and in fitting up the grounds; and if any such person shall neglect or refuse to work, and obey the

Persons applying for relief may be employed on the building.

- directions of the person or persons having charge of the work, he shall not be entitled to relief. § 9, ch. 146, 1852.
- Expenses over and above all receipts, how paid.** § 962. The expenses of the hospital, and also the expenses of the poor and work-house, over and above all receipts for the labor of those therein maintained, shall be audited by the common council and paid out of the city treasury; and the amount of such expenses, or the estimated amount thereof, shall be assessed, levied, collected and paid into the city treasury in the same manner as other contingent expenses of said city. § 10, same ch.
- Common council may enter into an agreement with Onondaga county, or with towns.** § 963. It shall be lawful for the common council of said city to enter into an agreement, from time to time, with the board of supervisors of Onondaga county, and also an agreement with the several towns of the said county, respectively, by and through the respective board of town auditors of such towns, for the support, care and attendance, at said poor and work-house and hospital, of paupers chargeable to said county, and allow paupers chargeable to said towns, respectively; and, pursuant to any such agreement, any overseer of the poor of any town or city of said county may cause to be removed to said poor and work-house or hospital, as the circumstances of the case may require, any pauper chargeable to said county, or to any of said towns; and such paupers may be maintained, attended and taken care of, at such poor and work-house or hospital, as the case may be; and all the charges, expenses and accounts of said city corporation for the same shall be audited and paid by the said county and towns, respectively, in the same manner as other expenses for the support of the poor, chargeable to said county and towns, respectively. § 11, same ch.
- Shall appoint a physician; his term of office and bond.** § 964. The said common council shall appoint a physician, who shall be known and designated as the "physician of the hospital." He shall attend the sick at the hospital, and also take such further charge of the hospital, and perform such medical services for the poor elsewhere, as the common council shall, by rule, or otherwise, direct; he shall hold his office during the pleasure of, and the compensation which he shall receive for his services shall be determined by, the common council. And if required by the common council, he shall execute to the corporation an official bond, to be approved by the common council in all respects, and filed in the city clerk's office. § 12, same ch.
- Declared a public act.** § 965. This act is hereby declared a public act, and shall take effect immediately. § 13, same ch.
- Sale of Syracuse city poor and work house authorized.** § 966. The mayor of the city of Syracuse, Henry D. Didama and Nathaniel B. Smith, of said city, are hereby authorized and empowered, as commissioners for that purpose, to sell and convey the property belonging to

said city of Syracuse, and commonly known as the city poor and work-house property, situated in the town of Geddes, in such manner and upon such terms as they shall deem for the best interests of said city, and to execute a good and sufficient deed to convey the fee simple to the purchaser or purchasers thereof; the avails of such sale to be paid into the treasury of said city; and any securities which shall be taken for any balance of unpaid purchase-money shall be made payable to and collectible by the treasurer of said city, and shall be deposited and kept with the clerk of said city. § 1, ch. 202, 1867.

§ 967. The several bequests to the overseers of the poor of the town of Skaneateles, in and by the last will and testament of David Hall, late of said town, deceased (said will being recorded in book N of wills, on page ninety, etc., in the surrogate's office of the county of Onondaga), are hereby so far legalized, ratified and confirmed, as that the said overseers of the poor in said town of Skaneateles, and their successors in office, are hereby authorized to take and receive said several bequests or funds; and they or each of them are hereby required to give good and sufficient bail to said town, in at least double the amount of said funds, by bond, with one or more sureties, conditioned for the faithful keeping and applying said respective funds, and the interest thereof, in manner aforesaid during their official term; and at the expiration of their terms of office, to account for, pay and deliver over to their successors in office said funds, respectively, and securities therefor, and to report to the succeeding town meeting the condition and disposition of said funds, respectively, and the yearly interest or income thereof. § 1, ch. 734, 1867.

Legalizing of certain bequests of David Hall, to overseers of Skaneateles.

See post, § 972.

§ 968. The bond and sureties mentioned in the last section shall be approved by the supervisor of said town of Skaneateles, and filed in the office of the town clerk of said town. § 2, same ch.

Approval of bond.

§ 969. It shall be the duty of such overseers of the poor to render to the board of town auditors of said town at their annual meeting for auditing the accounts of town officers, a full and particular account, in writing, of the condition and disposition of each of said bequests or funds, and of the yearly interest or income thereof, to be audited by said board. § 3, same ch.

Accounts of business.

§ 970. Said overseer of the poor, and their successors in office, are hereby authorized to loan or invest and re-invest, from time to time, in the name of "the overseers of the poor of the town of Skaneateles," said funds, respectively, in the manner and upon the security specified in said last will and testament; and to apply the yearly interest or income of the fund denominated in said will the "Hall

Investment of bequests.

Hall poor
fund.

poor fund," for the relief of the poor of said town from time to time as they may think proper; and annually to divide between and pay to the several superintendents of Sunday-schools in said town, in the proportions aforesaid, the interest or income of the fund denominated in said will the "Hall Sunday-school fund," to be laid out and expended by said superintendents, respectively, in books for the scholars of said schools. § 4, ch. 734, 1867.

Actions
for recovery
of
funds
loaned.

§ 971. Such overseers of the poor, and their successors in office, are hereby authorized to commence and maintain any action or actions in and by the name of "the overseers of the poor of the town of Skaneateles," for the recovery and collection of any or any part of such funds or moneys so loaned or invested by them or their predecessors, and the interest thereon; and such action shall not abate or be discontinued by reason of the expiration of the term of office, or of the death or removal of any such overseer or overseers, but shall be continued by his or their survivor or successors in office. § 5, same ch.

In what
name
bonds to
be given,
and ac-
tions
brought.

§ 972. All bonds given in pursuance of the first section of this act (section 967) shall be given to and taken by the said town of Skaneateles in its corporate name; and all actions upon or for the breach of the condition thereof shall be prosecuted by the supervisor of said town, and shall be brought by and in the name of "the town of Skaneateles;" and all moneys collected or received thereon, remaining after deducting the necessary expense of collection, are to be paid over to the overseers of the poor of said town, to be by them invested in the manner and for the purposes aforesaid, and for the benefit of and as part of the fund to which it shall belong. § 6, same ch.

Syracuse
home as-
sociation.

§ 973. [The object and business of the Syracuse Home Association] shall be to establish a home for the protection and relief of virtuous, destitute and unprotected females, and for such destitute and unprotected children as may not be included within the provisions of the Onondaga Orphan Asylum,* and to prosecute their efforts for the relief of the poor of the city, to secure their physical, social, mental and moral improvement in the manner proposed by the constitution of said association, adopting such measures for the employment and instruction of the inmates of the Home, and of other objects of their char-

* Ch. 185, 1847, §§ 3 and 4 provide for the payment of certain school moneys to the Onondaga County Orphan Asylum. Said chapter also amends chapter 183 of 1845, entitled an act to incorporate the Syracuse Orphan Asylum, and changes the name of said incorporation to "The Onondaga County Orphan Asylum." By § 4 of ch. 183, of 1845, a child surrendered to the charge and direction of said institution, by a superintendent of the poor of the county of Onondaga, or by one of the overseers of the poor of the town of Salina, might be bound out by the trustees thereof to some suitable employment, in the same manner as overseers of the poor are authorized by law to bind out poor and indigent children.

ity, as shall be competent to the association. Part of § 1, ch. 321, 1853.

§ 974. The board of managers shall have power to appoint such agents, matron, teacher, or domestic assistants as shall be necessary, and to make all needful and proper regulations for their specific duties, and for those of the inmates of the Home, prescribing for the children and youth committed to their care a course of instruction and management, to the same extent and with the same rights as exist in the case of natural guardians. § 4, same ch.

Power of board of managers to make appointments, etc.

§ 975. When any child shall be surrendered to the charge and direction of said corporation, by an instrument in writing, signed by a parent or guardian of such child, by a superintendent of the poor of the county of Onondaga (or by an overseer of the poor of the city of Syracuse, or mayor of the city of Syracuse, or surrogate of the county of Onondaga), the said board of managers may, at their discretion, place such child by adoption or at service in some suitable employment, and with some proper person or persons, conformably to the laws of this state regulating the binding out of indigent children; provided that in all such cases the terms of indenture be approved by such superintendent, overseer, mayor, or surrogate, which approval shall be signified on the terms of indenture by the signature of either of the aforesaid persons. § 5, same ch.

Duty of managers to provide for children when surrendered to the charge of the corporation.

§ 976. In case of the death or legal incapacity of a father, or his imprisonment for crime, or of his abandoning or neglecting to provide for his family, the mother shall be deemed the legal guardian of her children for the purpose of making such surrender of them as aforesaid. But in case the mother be also dead, or legally incapable of acting, or imprisoned for crime, or shall have abandoned or neglected to provide for the children; or when, in case of any child, it cannot be ascertained on diligent inquiry that there is within the state any parent or other person legally authorized to act in the premises, the said superintendent, overseer, mayor or surrogate shall be, ex officio, guardians for the same purpose, and such guardianship shall extend to children who have been received at said Home, and to all such children as may be offered for admission, or hereafter received therein. § 6, same ch.

Ex-officio guardians.

CHAP. XXXII.**ONTARIO COUNTY.**

SECTION 977. One superintendent of the poor to hold his office for three years, to be elected annually in and for the county of Ontario; in case of vacancy in such office how it is to be supplied.

978. Only one overseer of the poor in each town of Ontario county to be elected.

979. Compensation to overseer in town of Seneca.

980. How salary of such overseer to be paid, and the duty of superintendents in respect to such salary.

981. Poor masters of the town of Gorham requested to convey to president of Dwelle Cemetery Association.

982. How such conveyance not to be construed.

983. Supervisors may pay to Ontario Orphan Asylum reasonable compensation for providing for certain children and may raise the amount required for that purpose by tax.

984. Amount limited that may be raised by such tax; the money so raised, when collected, to be paid by county treasurer to treasurer of such asylum.

985. Vagrants in Ontario county, when may be sent to Monroe county work-house.

986. Supervisors of Ontario county to enter into agreement with Monroe county supervisors to receive and keep in such work-house such vagrants.

987. Officers intrusted with the conveyance of such vagrants; their authority, and how to be paid.

Ontario
county su-
perintend-
ents, their
election,
terms of
office, etc.

§ 977. At the general election in eighteen hundred and sixty-seven, and at each general election thereafter, there shall be elected in and for said county (of Ontario) one superintendent of the poor, who shall hold his office for the term of three years; provided, that, if a vacancy shall hereafter occur in said office, either by death, resignation or removal of an incumbent, or otherwise, such vacancy may be filled by appointment in the manner now prescribed by law; but no person so appointed shall continue in office by virtue of such appointment longer than until the commencement of the political year next ensuing; and if the term for which the person may have been originally chosen, by whose death, resignation or removal such vacancy shall be caused, extends beyond the commencement of such political year, then the people, at the first general election after the happening of such vacancy, shall elect a superintendent of the poor to fill such vacancy for the balance of the unexpired term. § 3, ch. 568, 1866.

Overseers
in Ontario
county re-
duced.

§ 978. There shall be hereafter elected in the several towns of the county of Ontario only one overseer of the poor in each of the said towns, respectively. § 1, ch. 234, 1861.



RELIEF OF THE POOR.

305

§ 979. The overseer of the poor elected in the town of Seneca, in said county, shall receive, as compensation, for the performance of the duties of the office, the sum of three hundred dollars per annum. § 2, same ch.

Seneca
overseer,
his duty
and salary

§ 980. The salary of the overseer of the poor, in the town of Seneca, shall be paid quarterly by the superintendents of the poor, and it shall be the duty of the superintendents to report to the board of supervisors the proportionate amount of the salary chargeable to the said county and to the said town, respectively. § 3, same ch.

How to be
paid.

Duties of
superin-
tendents
to report,
etc.

§ 981. The poor masters of the town of Gorham, in the county of Ontario, are hereby authorized and required to convey all the lands heretofore vested in them for cemetery purposes, in said town, to the president of the Dwellle Cemetery Association, and his successor in office; to be held, used and disposed of by him, as president of such association, only for cemetery purposes in said town, in accordance with the act of incorporation, and the rules and by-laws of said association. § 1, ch. 84, 1862.

Poor mas-
ters of
Gorham
authorized
to convey,
etc.

§ 982. Nothing in this act contained shall be construed to give other or greater title to the grantees of said lands than shall be vested in said poor masters of said town of Gorham, in and by the conveyance or conveyances made to them. § 2, same ch.

How such
convey-
ance to be
construed.

§ 983. The board of supervisors of Ontario county may pay to the Ontario Orphan Asylum a reasonable compensation for providing for children, in all cases in which, during the time such children have been or shall be provided for by said asylum, said county has been or shall be relieved from making provision for them; and said board may, from time to time, raise such sums of money by tax as may be necessary to pay such compensation, in the same manner in which money is raised to pay other county expenses. § 1, ch. 29, 1867.

Pay or
support of
children at
Ontario
orphan
asylum,
duty of
superviso-
rs in re-
spect
thereto.

§ 984. The board of supervisors of said county may, in 1867, each year, raise by tax, in the manner aforesaid, for the use of said asylum, such sum of money, not exceeding one thousand dollars, as the said board shall deem proper; and the money so raised shall, when collected, be paid by the county treasurer of said county to the treasurer of said asylum. § 2, same ch.

§ 985. Whenever any justice of the peace in the county of Ontario shall, in accordance with section three, title 20, chapter twenty, part one of the Revised Statutes, be satisfied that any person brought before him, under the provisions of the said title, is a vagrant within said title, and is an improper person to be sent to the poor-house of the said county, he shall sentence and commit such person to the work-house in the county of Monroe, for a

Vagrants
in Ontario
county in
certain
cases to be
sent to
Monroe
county
work-
house.

term of not less than sixty days nor more than ninety days. § 1, ch. 217, 1862.

Super-
visors of
Ontario
county to
make
agreement
with sup-
ervisors of
Monroe
county.

§ 986. It shall be lawful for the board of supervisors of Ontario county, and it is hereby required, to enter into an agreement with the board of supervisors of the county of Monroe (or with any person in their behalf and by them appointed) to receive and keep in said work-house any person or persons who may be sentenced in pursuance of the first section of this act. § 2, same ch.

Officers
who shall
take va-
grants to
work-
house.

§ 987. Any officer of the said county of Ontario, to whom any person shall be delivered by a justice of the peace thereof, with a commitment to the said work-house, in pursuance of any sentence under the first section of this act (sec. 985), is hereby authorized to take and deliver such person to the superintendent of said work-house, who shall receive such person and safely keep him for the term for which he may be sentenced, and keep him at work according to the rules and discipline of said work-house; and the officer taking such person to said work-house shall be paid by the county of Ontario such fees for such taking as the board of supervisors of said county shall audit and direct. § 3, same ch.

CHAP. XXXIII.

ORANGE COUNTY.

SECTION 988. Newburgh city and town to constitute one district for the support of the poor; corporate name of the commissioners of almshouse changed, and how hereafter to be designated; superintendent of poor in Newburgh, how to be designated; election of almshouse commissioners, &c.

989. Newburgh to be a separate and distinct district for the relief and support of the poor.

990. Office of overseer in Newburgh abolished; commissioners of almshouse of city and town of Newburgh to be a corporation.

991. Powers and duties of such commissioners: 1. To appoint superintendent of the poor and other officers; 2. Visit the poor; give temporary relief; 3. Make contracts for provisions; 4. Purchase farm on which to erect almshouse, and, 5. To erect cells for imprisonment of vagrants; duties of recorder of city and justices of town in respect to commitments of vagrants, and maintenance of vagrants at almshouse; 6. Said commissioners also to receive moneys from commissioners of emigration and others; 7. Bring suits; 8. Appoint president of the board; keep record of proceedings; 9. Borrow money; 10. Have power

of superintendents of the poor in relation to lunatics and binding out children, and expend moneys in finishing buildings for almshouse; and, 11. Also in relation to bastardy proceedings, and to sue in corporate name.

- FROM 992. Superintendent of the poor to keep office to be provided by commissioners; his duties.
993. Annual report of said commissioners to be made and filed; what said report shall contain.
994. Annual estimate of expenses for support of poor to be made by commissioners and delivered to supervisor, who shall present it to board of supervisors, and duties of such board in respect thereto.
995. Town of Newburgh to receive from board, in money, its fair and just proportion of the estimated value of the county poor-house farm, and the personal property thereon; how such value to be estimated and such money to be raised.
996. How such moneys, so to be received, to be applied.
997. Payments to be made by commissioners of emigration to commissioners of almshouse.
998. Commissioners of almshouse to receive no compensation except, &c.
999. May administer oaths.
1000. Neither of commissioners or superintendent to be interested in sale of goods, &c.
1001. Judge, justice, witness or jurors, when not disqualified in a case in which commissioners are party; inhabitants of Newburgh not to vote for superintendents of poor of Orange county.
1002. Provisions of R. S. in relation to settlement of the poor, and removal of them from one county to another, to apply to the two divisions in Orange county.
- 1003-1006. Penalties and fines collected for violating excise laws, how to be disposed of.
1007. Conflicting laws relating to excise in Newburgh.
1008. Fines and penalties for drunkenness, when collected, how to be disposed of.
1009. Duties of recorder and of treasurer of Newburgh in respect to making certain reports respecting excise laws.
1010. Walden poll tax; who may relieve poor persons from its payment, &c.
1011. Newburgh Home for the Friendless; its object.
1012. Managers of may make by-laws to govern children under their care and prescribe course of instruction, &c.
1013. Board of managers when may bind out children surrendered to their care.
1014. Children instructed in schools of such House entitled to draw annual apportionment of public school moneys.
1015. In certain cases who to be guardian of child, for the purpose of making surrender of such child to the "Home."
1016. Board of counselors prescribed for such institution, and for what purpose.

Town and
city of
Newburgh
one poor
district.

Official
name of
superin-
tendent of
poor.
Election
of alms-
house
commis-
sioners.

Powers of
police jus-
tice of
town given
to record-
er of city.

Moneys
borrowed,
who liable
therefor.

§ 988. The town of Newburgh and the city of Newburgh shall, together, constitute one district for the purpose of providing for the support of the poor thereof, and all the provisions of the act entitled "An act for the better support of the poor in the town of Newburgh, in the county of Orange," passed March twenty-three, eighteen hundred and fifty-three, shall continue in force, and shall apply to such district, except as herein otherwise provided. The corporate name of "The commissioners of the almshouse of the town of Newburgh," is hereby changed to "The commissioners of the almshouse of the city and town of Newburgh." The superintendent of the poor shall hereafter be denominated "The superintendent of the poor of the city and town of Newburgh." Two commissioners of the almshouse, to take the place of those whose terms of office shall expire next after this act shall take effect, shall be elected at the annual town meeting in the town of Newburgh, next after the passage of this act, and whenever and as often as the term of office of the two commissioners so chosen, and their successors, shall expire, the electors of the town of Newburgh, at the annual town meeting in said town, shall elect commissioners in their places. Whenever the terms of office of the other commissioners of the almshouse, in office when this act shall take effect, shall expire, their successors shall be chosen by the electors of the city of Newburgh, at their annual election of city officers, held next before the expiration of such terms of office, and the right to elect the successors of those so chosen shall belong to the electors of the city of Newburgh, at their annual elections as aforesaid. All powers given by law to the police justice of the town of Newburgh in relation to commitments to the custody of the keeper of the almshouse are hereby given to the recorder of the city of Newburgh, in all cases arising in said city, and to each of the justices of the peace of the town of Newburgh in all cases arising in said town. Whenever any money shall be borrowed by the commissioners of the almshouse in pursuance of the provisions of the said act, the city of Newburgh and the town of Newburgh shall be jointly liable for the payment thereof. The annual report required by the said act to be made by the said commissioners shall hereafter be made in duplicate, one of which shall be filed in the office of the town clerk of the town of Newburgh, and the other shall be filed in the office of the clerk of the city of Newburgh, and the said reports shall be published in all the newspapers printed in the city and town of New-

burgh. § 4, title 11, ch. 541, 1865; as amended by ch. 114,^a 1866.

§ 989. The town of Newburgh shall not hereafter be subjected to taxation for the support or maintenance of the poor of or in the other towns of the county of Orange; nor shall the other towns of the county of Orange be taxed or required to contribute for the support of the poor of or in the town of Newburgh; but such town of Newburgh, for all the purposes of supporting the poor within its limits, and carrying into effect the laws of the state for the support and relief of indigent persons, shall be a separate and distinct district. § 1, ch. 44,^b 1853.

Newburgh
to be a dis-
tinct dis-
trict.

§ 990. The office of overseer of the poor in the town of Newburgh is hereby abolished. There shall be a corporation in the said town by the name of "The commissioners of the almshouse of the [city and] town of Newburgh," which shall possess the usual powers of a corporation for public purposes. Henry Wyckoff, David W. Bate, David H. Barclay, George Gearn, Alfred Post, and Eugene A. Brewster, are hereby appointed such commissioners for the purpose of carrying into effect the provisions of this act. They shall be divided into three classes, and hold their offices for the periods following, that is to say: David W. Bate and George Gearn shall constitute the first class, and hold their offices until the first Tuesday of April, eighteen hundred and fifty-four; Alfred Post and Eugene A. Brewster shall constitute the second class, and hold their offices until the first Tuesday of April, eighteen hundred and fifty-five; and Henry Wyckoff and David H. Barclay shall constitute the third class, and hold their offices until the first Tuesday of April, eighteen hundred and fifty-six; and upon the expiration of their several terms of office (prior to the first Tuesday of April, 1866), their places shall be filled by persons duly elected at the annual town meetings held in the town of Newburgh for the year in which such terms of office shall expire, which elections shall be conducted in the following manner, that is to say: each elector may place upon a separate ballot the name of one suitable person, who shall be a citizen of the United States, of full age, and a resident of said town of Newburgh, under the words "for commissioner of the almshouse," and deposit the same in a separate box to be provided for that purpose by the officers who shall preside at such town meetings; and a separate poll list shall be kept of the persons voting for such commissioners; and

Office of
overseer
abolished.
Commis-
sioners of
almshouse

Classes.

Elections
to fill va-
cancies.

See ante,
§ 988.

^a An act to amend an act entitled "An act to incorporate the city of Newburgh, passed April twenty-second, 1865," passed March 9, 1866.

^b An act for the better support of the poor in the town of Newburgh, in the county of Orange. Passed March 28, 1853, three-fifths being present.

the two persons having the greatest number of votes, at such elections, shall be declared and deemed to be duly elected. And at every annual town meeting thereafter (prior to the first Tuesday of April, 1866), there shall be elected, in the same manner, two persons as such commissioners. The persons elected shall hold their office for the term of three years, and until others are duly elected in their places. § 2, ch. 44, 1853; as modified by § 4, ch. 114, 1866.

Powers
and duties
of com-
missioners

§ 991. The said commissioners of the almshouse may sue and be sued in their corporate name, in any of the courts of this state. They shall have the sole and exclusive care and management of the poor in the said town, and shall provide for and maintain the persons enumerated in the fourteenth section of the act concerning "the relief and support of indigent persons," in the manner hereinafter mentioned, and for that purpose they shall have and exercise all the powers and authority now vested by law in the overseers of the poor of towns, and in the superintendents of the poor of counties, not inconsistent with the provisions of this act. They shall also have and possess the powers following:

To appoint
a superin-
tendent of
poor.

1. To appoint, by a resolution to be entered upon their minutes, an officer, to be denominated "the superintendent of the poor of the [city and] town of Newburgh," together with such other agents as may be necessary in order to carry into effect the purposes of this act, which said superintendent and other agents shall hold their offices during the pleasure of the said commissioners, and receive such fixed annual salary, as a compensation for their services, as the said commissioners may direct. As modified by § 4, ch. 114, 1866.

To visit
poor, &c.

2. To visit the poor of the said town at their several places of residence, and inquire and examine into their circumstances, the number and ages of the members of their families, the places of their former residences, their employments, for what length of time and to what extent they have been dependent on the public for support, their ability to labor, and the causes of their poverty; and the commissioners may direct either permanent or temporary relief to such poor persons, under such rules and regulations as they may from time to time adopt.

To make
contracts
for provi-
sions, etc.

3. To contract for, purchase and provide provisions, fuel, clothing and other necessities for the support of or distribution among the poor; and such cattle, stock, furniture and farming utensils for the almshouse and lands hereinafter mentioned, as in their judgment they may deem necessary.

To pur-
chase a
farm and

4. To purchase in fee-simple, and take a deed of conveyance to the said commissioners in their corporate

ne, of a farm of land not exceeding one hundred ^{erect} ~~acres~~ ^{buildings.} and to erect thereon, if necessary, a building sufficient for the residence and accommodation of the poor the said town, to be denominated the "almshouse." ^t ~~The~~ amount of money to be expended by the said commissioners, in purchase of the said farm and the erection of the said buildings, shall not exceed the sum of five thousand dollars. And until such farm and buildings can be purchased and provided, as aforesaid, the said commissioners may hire a house and a lot of ground for a term of time, as a residence for the poor of the said town, at an annual rent not exceeding five hundred dollars. Sub. 4, § 3, ch. 44, 1853, as amended by § 1, ch. 5, 1853.

5. The said commissioners may also cause to be constructed within, or within the vicinity of, said almshouse, a cell or cells, or other place or places of confinement, for the temporary imprisonment or detention of ^{Cells to be constructed.} ~~prisoners~~ ^{prisoners}. And the [recorder of the city of Newburgh, in cases arising in said city, is required by his warrant, and each of the justices of the peace of the town of Newburgh, in all cases arising in said town, is required by his warrant,*] to be directed to and executed by one of the police constables of said town, to commit to the custody of the keeper of the said almshouse, to be confined in such cells or places of confinement, all persons adjudged vagrants, according to the provisions of the act concerning beggars and vagrants, and sentenced by him to imprisonment therefor. And the keeper of said almshouse is hereby authorized to require all persons, so committed to his charge, to do and perform such work and labor as the superintendent of the poor of the said town shall direct. [The board and maintenance of every vagrant committed to the almshouse of the city and town of Newburgh, who, under the provisions of the general act concerning beggars and vagrants, might have been sentenced to the county jail, shall be at the same rate allowed to the sheriff, under-sheriff or keeper of the county jail of Orange county, for the board of prisoners in said county jail, for a term not exceeding sixty days on any conviction, shall be a charge upon the county of range, and shall be audited and collected in the same manner as other county charges, and shall be paid to the commissioners of the almshouse of the city and town of Newburgh. § 1, ch. 418,^b 1870. The act entitled "An

Duty of keeper of almshouse.

Rate of board for vagrants committed to Newburgh almshouse.

Such board a county charge.

Ch. 44, 1853, to conform.

^a The original words "Police Justice of the town of Newburgh is hereby ordered by his warrant," struck out, and in place thereof the words between first brackets, in subdivision 5 of section 982, substituted, to conform to modifications in that respect made by section 988.
^b An act to provide for the payment of the board of vagrants committed to the almshouse of the city and town of Newburgh. Passed April 27, 1870; 20-47th being present.

act for the better support of the poor of the town of Newburgh, in the county of Orange," passed March third, eighteen hundred and fifty-three, as amended by subsequent acts, is hereby amended so as to conform to the provisions of this act. § 2, same ch.] Sub. 5 of § 3, ch. 44, 1853, as amended by § 1, ch. 102, 1854, and by § 1, ch. 132,* 1856; and modified by ch. 114, 1866, and amended by §§ 1 and 2, ch. 418, 1870.

To receive
moneys
from com-
missioners
of emigra-
tion.

6. The said commissioners shall also have power to receive from the commissioners of emigration all moneys they may become entitled to receive for and on account of foreign paupers relieved by them, and also from the supervisor of the town of Newburgh the excise money received in said town, with all fines, forfeitures and penalties which may accrue to them as such commissioners, together with all moneys raised in the said town for the support of the poor, which said several sums of money shall be applied by the said commissioners to the support and relief of the poor in said town, according to the provisions of this act.

Bring
suits.

7. The said commissioners shall also have power, and it shall be their duty, to sue in their corporate name for all violations of the excise laws, committed in said town, in any court having jurisdiction of such suits. All other suits and proceedings which may now by law be prosecuted and maintained, in the name of the overseers of the poor of the town of Newburgh, to enforce civil remedies, shall and may hereafter be prosecuted and maintained, and such remedies may be enforced, in the name of the commissioners of the almshouse of the [city and] town of Newburgh. Sub. 7, § 3, ch. 44, 1853, as modified by ch. 114, 1866.

To appoint
a presi-
dent of the
board.

8. Such commissioners may also appoint one of their body president, and they may also fill all vacancies which may occur among their number by death, resignation or otherwise, by appointing some suitable person or persons to fill such vacancy or vacancies, who shall hold their offices for the unexpired terms of the persons whose places have thus become vacant. They shall keep a written record of their proceedings, and may establish rules and regulations for their own government, the government of their superintendent, agent and servants, in the examination of paupers and others applying for or entitled to relief, or for admission to almshouse, and in the distribution

Written
record of
proceed-
ings.

* The following is section 2, chapter 132, 1856, viz.: "All those parts of said section first of chapter one hundred and two of the laws of eighteen hundred and fifty-four, that are inconsistent with the provisions of this act, are hereby repealed." The first section of chapter 102, of 1854, contains nothing more than the amendment of subdivision 5 of chapter 44, 1853, while chapter 132, 1856 (section 1 of said chapter), does nothing more than again amend the aforesaid subdivision.

od, fuel, clothing and other necessities among the of the town. Sub. 8, § 3, ch. 44, 1853.

They shall have power from time to time to borrow each sums of money as they may deem necessary to out the powers vested in them by this act, and to obligations in their corporate name, to be signed by president and secretary, for the payment of such of money, and of any debts incurred by them as commissioners, and the town of Newburgh shall be for the payment of such obligations.

Power to borrow money.

. They shall have the powers superintendents of the now have in relation to lunatics in said town, and to ide for their safe-keeping in a proper place in said , or to send them to a lunatic asylum; and they shall have the same powers which overseers of the poor have in relation to binding out minor or infant chil-

Lunatics.

Binding out minors.

in said town, and also the same powers in relation to ng out minor children sent to the said almshouse, county superintendents of the poor now have to bind hildren sent to a county poor-house, under and by e of section five, article first, title four, chapter eight, e second part of the Revised Statutes. Sub. 10, as ded by § 2, ch. 102, 1854. [The said commissioners e almshouse shall have power to expend all such of money, in addition to the amount specified in the act hereby amended, as shall be necessary to erect finish off and furnish such additional buildings herein ided for, and the necessary barn and other out-build- required at the almshouse, and also for all necessary in for the buildings. § 3, ch. 102, 1854.]

Money to finish buildings.

. They shall have the same powers as overseers of poor and county superintendents of the poor now in relation to bastards, within said town. And all edings, to be had in such cases, shall be in their cor- e name. And all bonds, required according to the ions of the statutes relating to bastards, shall be to them in their corporate name; but nothing in this ntained shall be construed to release or discharge the intendents of the poor of Orange county from their ity to any person or persons residing in the town of burgh, supporting any bastard child already charge- to said county of Orange, in cases in which they heretofore compromised with the putative father for support. Sub. 11, § 3, ch. 44, 1853.

Powers in relation to bastards.

92. The said superintendent of the poor shall keep fee, to be provided for him by the said commission- the [city*] of Newburgh, which shall be open and ble to those having business therein, at such hours

Superintendent to keep an office.

word "village" omitted, and the word "[city]" inserted in place

Duties of
superin-
tendent.

as such commissioners may designate. He shall devote his time and attention to the discharge of his public duties, and shall, among other things, attend the meetings of the said board of commissioners and act as the secretary thereof. He shall aid them in the examination into the circumstances and conditions of the poor persons applying for or entitled to relief, as provided in the second subdivision of section second of this act, and shall keep a record of such examinations. He shall keep the minutes of the proceedings of the commissioners, and an account of their receipts and disbursements, together with the names of the persons relieved, the manner of the relief, and the time when it was rendered, and prepare their annual and other reports. He shall carry into effect the orders and directions of the said commissioners in distributing relief to poor persons, and generally perform all such duties as may be assigned to him from time to time. § 4, ch. 44, 1853; as amended by ch. 242, 1862.

Annual re-
port of
commis-
sioners.

§ 993. The said commissioners shall annually, on the first day of November in each year, cause to be prepared a report,* containing an exact and accurate account of all moneys received by them, and the sources from whence such moneys were received, during the preceding year; an exact and accurate account of all their expenditures, and of all debts incurred by them, which are unpaid for the same period of time; and the objects for which such debts were incurred, and to which such expenditures were applied, and to the persons to whom they were paid, for the same period of time also; the number of persons admitted and discharged from the almshouse; the number of those provided with out-door relief; the expenses incurred for keeping and supplying such almshouse, and the expenses incurred for such out-door relief during the year; which said report shall be signed by the said commissioners and superintendents, and filed in the office of the town clerk of such town, and published in two newspapers published in said village of Newburgh. § 5, same ch.

When
commis-
sioners to
make an-
nual esti-
mate of
sum for
support of
poor; ac-
tion of su-
pervisors
thereon.

§ 994. The said commissioners shall also, on the first day of November in each year, make a written estimate, to be signed by them, of the amount of money which in their judgment will be required for the support of the poor of said city and town for the next following year; and shall deliver such estimate to any supervisor of any of the wards of the city of Newburgh, or to the supervisor of the town of Newburgh, and the supervisor receiving such estimate shall lay the same before the board of supervisors of the county of Orange at

*By chapter 424, 1870,—see post—provisions of §§ 114-120, ante, are extended and made applicable to said commissioners.



next annual meeting, who shall apportion the same between the city of Newburgh and the town of Newburgh, in proportion to the amount of taxable property each respectively; and shall cause the sum so apportioned to the city of Newburgh to be levied and collected on said city, and the sum so apportioned to the town of Newburgh to be levied and collected on said town in the same manner as the other taxes are levied and collected; and said board of supervisors shall also, by warrant, direct and require the collectors of said city of Newburgh and town of Newburgh respectively, to pay the said moneys, when collected, to the said commissioners, who shall apply the same to the relief and support of the poor in the manner herein directed. § 5, ch. 541, 1865; amending § 6, ch. 44, 1853.

5. The town of Newburgh shall be entitled to receive from the board of supervisors of the county of Orange a money, its fair and just proportion of the estimated value of the county poor-house, farm and buildings with the appurtenances and the personal property therein being, belonging to said county; which proportion shall be in the same ratio to the ascertained value of said poor-house and farm, with the appurtenances and personal property, as the amount of state and county taxes charged upon the town of Newburgh bears to the same amount of state and county taxes charged upon the county of Orange, according to the assessment rolls of several towns therein, for the year eighteen hundred and fifty-two; for the purpose of ascertaining the value of the said county poor-house, farm and personal property, the said board of supervisors shall, on the second day of their next annual meeting, by resolution appoint one competent and disinterested person as assessor, and the said commissioners shall also appoint by resolution one other competent and disinterested person as appraiser who shall proceed with all convenient speed to examine the said property, and to estimate and ascertain the full value of the said real and personal property; said estimate and appraisal shall be in the form of a report in writing, and shall specify the several pieces and parts of property, with the values thereof, and shall be signed by the said appraisers and filed with the clerk of said board of supervisors; and the aggregate of such values shall be deemed and taken to be the full value of such real and personal property. If the said appraisers shall disagree, and become unable by the said resolution to make such report, they shall certify their disagreement in writing, under their hands, to one justice of the supreme court, who shall thereupon, by order to be entered for that purpose, appoint one

Proportion of value of the county poor-house, farm, &c.

Appraiser to be appointed.

Appraisal to be filed with clerk.

other competent and disinterested person as an additional appraiser, to estimate and appraise the value of such property; and the said three appraisers shall then proceed to re-examine the said property, and to make an appraisal of the value thereof; and the written report of the said appraisers, or any two of them, made, signed and filed as hereinbefore mentioned, shall be final and conclusive as to the value of such real and personal property. The reasonable fees and expenses of the said appraisers, for making such estimate and appraisal, shall be paid by the board of supervisors, as a part of the county expenses. The said board of supervisors shall cause the just proportion of the town of Newburgh, in the said real and personal property, when estimated and ascertained as aforesaid, to be assessed upon and collected from the other towns of the said county of Orange, excluding the town of Newburgh; and shall cause the same, when so collected, to be paid over to the said commissioner of the almshouse. The appraisers mentioned in this section shall also estimate the number of paupers contained in the Orange county poor-house at the time of such appraisal, and shall set apart as belonging to the town of Newburgh such number of said paupers as shall be equitable, assuming as the basis for such division the proportion which the money apportioned to the town of Newburgh shall bear to the whole amount of county-house property, and such proportion of the principal aforesaid shall be taken to Newburgh, and maintained at the cost of Newburgh. § 7, ch. 44, 1853.

To estimate number of paupers.

To purchase lands, etc., for almshouse.

§ 996. The said commissioners shall apply such moneys to the purchase of the lands for an almshouse, and to defray the expense of erecting buildings thereon, or to the payment and satisfaction of any debt contracted by them for such lands, almshouse and buildings; all other moneys required by them for procuring and paying for such lands, almshouse and buildings, and for furnishing the same with farming stock and utensils and furniture, not exceeding in all the said sum of twelve thousand dollars, shall be assessed upon and collected from the town of Newburgh, and paid over to the said commissioners in the manner as provided in section six of this act. § 8, ch. 44, 1853; as amended by § 2, ch. 495, 1853.

Commissioners of emigration to pay almshouse commissioners moneys expended for support of foreign paupers.

§ 997. The commissioners of emigration of this state shall, from time to time, pay to the said commissioners of the almshouse of the town of Newburgh all moneys expended by them for the support of foreign paupers in the said town out of the commutation moneys in the hands of such commissioners of emigration, according to the provisions of the act "concerning passengers in vessels coming to the city of New York," passed May fifth,



n hundred and forty-seven, and the several acts
ng the same. § 9, ch. 44, 1853.

l. The said commissioners of the almshouse shall
no compensation, for their services whatever, for
rices to be rendered by them under the provisions
act; but all reasonable and proper expenses,
d by them in executing their trusts as such
sioners, shall be paid out of any moneys raised
support of the poor as herein mentioned. § 10,

Commis-
sioners to
receive no
compensa-
tion.

l.
l. Whenever it shall become necessary to take
f any fact or facts, by affidavits or otherwise, to
the said commissioners of the almshouse to receive
from the commissioners of emigration, or any
act, the proof of which may be necessary to enable
d commissioners of the almshouse to carry into
be provisions of this act, such oath may be admin-
by, and such affidavit taken before, any one of
l commissioners, or of the said superintendent of
or, who are hereby authorized to administer oaths.
une ch.

o admin-
ister oaths

0. It shall not be lawful for the said commission-
he almshouse, or either of them or the said super-
nt of the poor, to be concerned or interested,
or indirectly, in the sale of any goods, merchan-
other personal property found, furnished or pro-
or the use of the poor of the said town of New-
nor shall such commissioners and superintendents,
er of them, take or receive any profit, reward or
ent, for or on account of any goods, merchandise
onal property found, furnished or provided, by any
or persons other than such commissioners, for the
the poor of said town; every violation of the pro-
of this section shall be deemed a misdemeanor,
ble by fine and imprisonment. § 12, same ch.

Commis-
sioners or
superin-
tendent
not to be
interested
in sale of
any goods
or receive
any profits
&c.

1. No person shall be disqualified from acting as
justices, witness or juror, by reason of his being
nt, inhabitant or freeholder in said town of New-
in any action or proceeding in which the said com-
ers of the almshouse are a party. The inhab-
f the town [or city] of Newburgh shall not, after
age of this act, be entitled to vote for superin-
s of the poor of Orange county, at any election
officer. § 13, ch. 44, 1853.

Not to be
disquali-
fied as wit-
ness, &c.

2. All the provisions of the Revised Statutes, in
to the settlement of the poor, and their removal
e county to another, shall be understood to apply
wo divisions into which the county of Orange is
by this act. § 14, same ch.

Removal
of poor
persons.

Moneys
collected
for penal-
ties, &c.
to be paid
over to
almshouse

§ 1003. Whenever the commissioners of excise [of the town of Newburgh, in] the county of Orange, shall collect and receive any moneys for penalties incurred under the provisions of said act,* for violations thereof, committed in the town of Newburgh, they shall deduct all lawful expenses of collecting such penalties, and pay over the residue thereof to the commissioners of the almshouse of the [city and] town of Newburgh, for the support of the poor of said town. § 3, ch. 362, 1859,* as evidently intended to be amended by § 3, ch. 264, 1868, and modified by ch. 175, 1870.

Police
justice
duties of.

§ 1004. The police justice of the town of Newburgh shall pay over to the said the commissioners of the almshouse of the [city and] town of Newburgh all fines he may collect and receive for violations of the said act to "suppress intemperance and regulate the sale of intoxicating liquors." § 4, same ch., as amended.

§ 1005. All moneys now in the hands of the county treasurer, for licenses and penalties collected from the town of Newburgh under said act, and all moneys in the hands of the police justice or supervisor of said town, for fines imposed under said act (for intoxication), shall be paid to the said the commissioners of the almshouse of the [city and] town of Newburgh. § 5, ch. 362, 1859, as evidently amended by ch. 264, 1868.

§ 1006. All fines heretofore imposed, or which may hereafter be imposed, by any court of criminal jurisdiction in the county of Orange, for violations of the said "act to suppress intemperance and to regulate the sale of intoxicating liquors," committed in the town of Newburgh, shall be paid, by the district attorney or other officer receiving the same, to the commissioners of the almshouse of the city and town of Newburgh, for the support of the poor of said town. § 6, ch. 362, 1859.

§ 1007. The provisions of the said act to "suppress intemperance and regulate the sale of intoxicating liquors," so far as the same conflicts with the provisions of this act, shall not apply to the county of Orange. § 7, same ch.

Recorder
and jus-
tices of

§ 1008. The recorder of the city of Newburgh, and also each and every of the justices of the peace of the town of

* An act entitled "An act to provide for the payment of excise moneys and penalties collected in the [city and] town of Newburgh, in the county of Orange, to the commissioners of the almshouse of said [city and] town." Passed April 15, 1859, three-fifths being present, as evidently intended to be amended by section 3 of chapter 264 of 1868, which said section 3 of chapter 264 of 1868, is as follows, to wit.: Chapter three hundred and sixty-two of the laws of eighteen hundred and sixty-two is hereby amended by inserting the words "the commissioners of the almshouse of the city and town of Newburgh," in place of the words "the commissioners of the almshouse of the town of Newburgh," wherever the same occurs in said act. Section 222 of 1862 does not apply or relate to Newburgh. It must be that said section 3 of chapter 264, 1868, is intended to apply to said chapter 222 of 1859. The following named sections of law relating to the county of Orange, to wit: § 1, ch. 437, 1865, and §§ 1 and 2 of chapter 262 of 1859, have been superseded by chapter 175 of 1870, entitled "An act relating to the sale of intoxicating liquors," and they are therefore omitted.

burgh, in the county of Orange, are hereby required to pay over to the commissioners of the almshouse of the town of Newburgh, all fines and penalties collected or which may hereafter be collected, and received by the recorder and justices, or by any or either of them, for drunkenness or for any violation of the act entitled "to suppress intemperance, and to regulate the sale of intoxicating liquors," passed April sixteenth, one hundred and fifty-seven, and the acts amending the same. § 1, ch. 264, 1868.

Newburgh
to pay over
certain
fines to
almshouse
commissioners.

9. The treasurer of the city of Newburgh is hereby required to pay over to the commissioners of the almshouse of the city and town of Newburgh, all moneys collected by the said treasurer before the passage of this act by the recorder or any other officers of the city of Newburgh, for fines or penalties collected or received for violation of the said act to suppress intemperance, and to regulate the sale of intoxicating liquors, or of the acts amending the same. The recorder of said city of Newburgh is hereby required to make out, in duplicate, a statement of all the moneys which he shall have paid to the treasurer prior to the passage of this act, being moneys collected for such fines and penalties, and said treasurer shall deliver one of such statements to the said recorder, and the other to the commissioners of the almshouse of the city and town of Newburgh, which statement shall be verified by the oath of the said recorder, and shall be evidence of the amount which the said treasurer is required to pay under this section. § 2, same ch.

Duty of
treasurer
of New-
burgh.

Recorder
to make
out a du-
plicate
statement
of moneys
paid to
treasurer.

10. The trustees [of the village of Walden^a] shall have full power in said village to remit any poll tax of an indigent person who may be sick, lame or infirm, and to discharge any judgment for such tax against such person without payment thereof. Sub. 32, § 18, title 3, ch. 70.

Poll tax in
Walden,
and in
Middle-
town,
when may
be re-
mitted.

11. The object and business of [the Newburgh Home of the Friendless] shall be, by the publication and distribution of books, papers and tracts, and by other moral and religious means, to prevent vice and moral degradation, and to maintain houses of industry and home for the friendless destitute or unprotected females, and for the idle and unprotected children. Part of § 1, ch. 52.

Newburgh
Home of
the Friend-
less. Its
object.

12. The board of managers shall have power to employ matrons and such other assistants as they may deem necessary in conducting the domestic and internal affairs of their house or houses of industry and home

Powers of
board of
managers.

^a Trustees of the village of Middletown shall have full power in said village to remit any poll tax of an indigent person who may be sick, lame or infirm, and to discharge any judgment for such tax against such person without payment thereof. Sub. 22, § 18, ch. 314, 1868.

for the friendless; to make any by-laws and regulations for the government of their own proceedings, and those of the persons so appointed, and of other inmates of their house or houses; to govern the children under their care, and prescribe their course of instruction and management, to the same extent, and with the same rights, as exist in the case of natural guardians. § 4, same ch.

In regard
to binding
out chil-
dren.

§ 1013. In all cases where a child shall have been surrendered by its natural or other legal guardians to the care and management of the society, by any instrument or declaration in writing, it shall be lawful for the said board of managers, at their discretion, to place such child by adoption or at service in some suitable employment, and with some proper person or persons, conformably to the laws of this state in regard to the binding out of indigent children, provided that in all such cases the terms of the indenture shall be approved by the police justice of the village of Newburgh, or by the surrogate, or by the superintendent of the almshouse, which approval shall be signified on such indenture by the signature of such justice, surrogate or superintendent; but in every such case the requisite provisions shall be inserted in the indenture or contract of binding, to secure the child so bound such treatment, education or instruction as shall be suitable and useful to its situation and circumstances in life. § 5, same ch.

Children
to draw
annual
apportion-
ment.

§ 1014. The children instructed in the schools, connected with the houses aforesaid, shall be entitled to draw an annual apportionment from the common school fund, according to the average number in attendance, in the same manner as do the children of other benevolent asylums, and the common or public schools of the village of Newburgh and state. § 6, same ch.

In case of
death or
legal inca-
pacity of
father.

§ 1015. In case of the death or legal incapacity of a father, or of his imprisonment for crime, or of his abandoning and neglecting to provide for his family, the mother shall be deemed the legal guardian of her children for the purpose of making such surrender as aforesaid; and if, in any such case, the mother be also dead or legally incapable of acting, or imprisoned for crime, or shall have abandoned or neglected to provide for her child or children, the president of the board of trustees of said village, said police justice or surrogate shall be by virtue of his office the legal guardian for the like purpose, and so in all cases where it cannot by diligent inquiry be ascertained that there is within the state any parent or other person legally authorized to act in the premises, the said president, justice or surrogate shall be, ex officio, such guardians for the same purpose; and such guardianship shall extend as well to children already in the care of said



RELIEF OF THE POOR

321

y, as to those who may hereafter be offered for admission, or received therein; and in either case whether surrender be made by the mother or by the said parent, justice or surrogate, and whether before or after admission into the said home, it shall be deemed a legal tender for the purposes, and within the true intent and meaning of the fifth section of this act (sec. 1013); but surrender by a mother as provided by this section shall be valid, without the consent of the said justice, president or surrogate. § 7, ch. 146, 1862.

1016. There shall be a board of counselors, consisting of twelve male members, whose duty it shall be to advise the board of managers of said society from time to time in regard to the business of the society; five counselors shall be a quorum for the transaction of business; no purchase or sale, lease or mortgage of real estate shall be taken by said corporation without the approval of a majority of the board of counselors, duly certified by the secretary of the board. § 8, same ch.

Board of
counsel-
ors.

CHAP. XXXIV.

ORLEANS COUNTY.

1017. Keeper of Orleans county poor-house—county superintendent authorized to be, if board of supervisors direct.

1018. One superintendent of the poor to be elected in Orleans county, and to hold his office for three years; his powers and duties.

1019. Superintendent, under what circumstances and how may be removed from office.

1020. Vacancy in office of superintendent, how to be supplied.

1021. Temporary relief in towns, how and when overseers may afford.

1022. Inconsistent laws repealed.

1017. It shall hereafter be lawful for any superintendent of the poor of the county of Orleans to be keeper of the poor-house in said county, provided a majority of the supervisors of said county, at a regular meeting of the board, shall so direct. § 1, ch. 189, 1854.*

1018. There shall be elected, at the next general election in the county of Orleans, one superintendent of the poor, who shall hold his office for and during the term of

Orleans
county
superin-
tendent.
how au-
thorized
to be
keeper of
poor-
house.
Orleans
county
superin-
tendent.

Act in relation to the office of the keeper of the poor-house in the county of Orleans. Passed April 10, 1854.

powers
and
duties.

three years from the first day of January following and until his successor is duly chosen and qualified, and shall have all the powers, discharge all the duties, and be subject to all the requirements of the present superintendents of the poor of said county, and such officer shall be elected once in every three years thereafter, or as hereinafter provided. § 1, ch. 540, 1851.*

Removal.

§ 1019. Such superintendent of the poor may at any time be removed from office by the board of supervisors of said county for good and sufficient cause, which shall first be made known to him in writing and an opportunity given to be heard before them in his defense. § 2, same ch.

Vacancies.

§ 1020. In case of the removal, death or resignation of any such superintendent of the poor, or of a vacancy in said office from any other cause, the board of supervisors of said county shall immediately thereafter appoint some suitable person to fill said office until after the next general election, at which there shall be elected some person to take his place, and the person thus elected shall hold said office for three years from the first day of January following his election, and until his successor shall be duly chosen and qualified. § 3, same ch.

Overseers
may fur-
nish tem-
porary
relief,
when.

§ 1021. The overseers of the poor of the several towns of said county are hereby authorized to furnish temporary relief in such cases as they may think it more just and prudent than to send the persons requiring it to the county poor-house, not exceeding ten dollars in any one case, unless by written consent of the superintendent of the poor, and then such further sum as said superintendent shall deem necessary and proper; and all sums of money thus paid out, and all expenses incurred by reason of such temporary relief shall be levied, collected and paid in the same manner as other expenses for the support of the poor in said county. § 4, same ch.

Inconsist-
ent laws.

§ 1022. All former laws in relation to the support and maintenance of the poor in said county, inconsistent with the provisions of this act are hereby repealed. § 5, same ch.

* An Act in relation to a superintendent and overseers of the poor in and for the county of Orleans. Passed July 11, 1851.

CHAP. XXXV.**OSWEGO COUNTY.**

1023. Superintendents in Oswego county; board of supervisors authorized to fix the number to be elected; terms of office of such superintendents.
1024. Accounts of superintendents to be audited by the board of supervisors.
1025. Oswego Orphan Asylum; appropriations for, may be made by supervisors, &c.
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1036. Such clerks to execute, with sureties, bond to the city of Oswego; duty of commission in respect to such bond.
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RELIEF OF THE POOR.

- SECTION 1042. Such commission to possess the powers conferred upon overseers of the poor in the several towns and be subject to the same duties.
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1053. Poor-house farm in the town of Schroepfel; supervisors authorized to cause to be levied certain moneys for the purchase of such farm, and the erection of a town poor-house thereon.
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1060. Moneys to be used in erecting buildings, or making improvements on such farm, may be borrowed by such commissioners.
1061. Commissioners named and authorized to sell the Schroepfel poor farm.
1062. Such farm may be sold on credit.
1063. Application of the proceeds of the sale of such farm how to be made.
1064. Such commissioners to give bond; what such bond shall contain.

1065. Chapter 217, 1860, relating to the purchase of a town poor farm in the town of Hannibal, repealed.

1066. Moneys collected under said ch. 217, 1860, how to be applied.

1023. The board of supervisors in the county of Oswego are authorized and empowered hereafter to define, at any annual or special meeting of said board, the number of superintendents of the poor, not exceeding three, shall be elected in and for said county, and may, by appointment, fill any vacancies that may exist in said number of superintendents of the poor. The superintendents of the poor in said county shall hold their office for two years, except that said board may so limit the terms of the superintendents of the poor first elected in accordance with their resolution that not more than one term of office shall expire in one year, and the term of any and all superintendents of the poor, appointed by said board of supervisors, shall expire on the first day of January following the next general election. § 1, ch. 237, 1861.

Oswego county superintendents.

Their term of office.

1024. It shall not hereafter be lawful for the superintendents of the poor of the county of Oswego to audit any, or grant any order for the payment of, any account of any of said superintendents for any services, expenses or disbursements performed, incurred or expended by said superintendents, or either of them, for the benefit of, and payable to, the said county; but all such accounts shall after be audited and paid by the board of supervisors of said county, in the same manner that other county accounts are now audited and paid. § 1, ch. 61, 1864.

Oswego county superintendents' accounts to be audited by supervisors.

1025. The supervisors of the county of Oswego shall hereafter have authority to raise money by tax, and appropriate the same to the use of the Oswego orphan asylum; no money shall be ordered to be raised for the purposes herein specified, except at the annual meeting of the board of supervisors and by a majority of all the supervisors elected in the county, and not to exceed one thousand dollars in any one year. § 1, ch. 186, 1858.

Oswego orphan asylum, how money raised for.

1026. There shall be four commissioners of public charity [of the city of Oswego], three health commissioners, a health physician, one or more clerks of the market, many keepers of almshouses, work-houses, penitentiary, and masters, and sextons or keepers of burial grounds, the common council shall from time to time direct. Part of § 1, title 2, ch. 463, 1860, as amended by § 1, 51, 1866, and by § 2, ch. 228, 1870.

Oswego, commissioners of public charity and keeper of work-house in.

1027. The mayor, recorder, alderman, justice of the peace, inspectors of election, supervisors, assessors, con-

Officers, how to be chosen.

"An act to revise the charter of the city of Oswego," passed April 18, 1871, three-fifths being present.

stables, commissioners of common schools, and collectors of taxes and assessments, shall be elected by ballot by the electors of said city, as hereinafter provided. All other officers, except commissioners of charity, who shall be appointed as provided by title eleven of said city charter, shall be appointed by the common council by ballot. § 3, title 2, ch. 463, 1860, as amended by § 3, ch. 228, 1870.

Who elig-
ble to
office.

Vacancy
in office.

Election.

Poor fund
in Oswego;
duty of
common
council in
respect
thereto.

§ 1028. No person shall be eligible or appointed to any office in section one of this title mentioned (except the officers designated for each ward, assessors and collectors of taxes and assessments) unless he shall be at the time an elector and resident of said city; and no person shall be eligible or appointed to any office in any ward, in section one designated as a ward officer, unless he shall be at the time an elector and resident of such ward; and no person shall be eligible or appointed to the office of supervisor, collector of taxes and assessments or assessor, unless he shall be at the time an elector and resident of one of the wards from which he is chosen; and the mayor, aldermen, commissioners of common schools and assessors, shall be freeholders in said city. And whenever any officer of said city shall cease to be a resident of the city, or of the ward or district for which he is elected or appointed, his office shall thereby become vacant. § 3, same title, as amended by § 4, ch. 228, 1870.

§ 1029. The annual election for the city (except for commissioners of common schools) shall be held on the first Tuesday of March in each year. The city clerk shall cause notice of such election to be published in the official paper and one other newspaper of the city, for one week previous to such election. § 5, title 2, ch. 463, 1860, as amended by § 5, ch. 228, 1870.

§ 1030. The common council [of the city of Oswego] shall annually direct and cause to be raised by general tax the following several sums, for the objects and purposes and constituting the several funds, specified: *Poor fund*. Such sums as the commissioners of public charities shall estimate as necessary for the support of the poor chargeable to said city, and all expenses incidental thereto, and the payment of the salary of the officers or agents of the city charged with its administration for one year. In the first assessment under this title, and annually thereafter, the common council shall include the indebtedness of the city (if any) on account of the relief and support of the poor, which may be found to exist at the time of making the annual assessment, and for the payment of which no provision shall have been made, which last-mentioned sum shall be raised in and by said assessment, in addition

the other sums herein provided. Sub. 4, § 2, title 5, ch. 463, 1860; as amended by § 1, ch. 51, 1866.

§ 1031. The commission of public charity and the mayor shall constitute a board to be called the commission of public charities of the city of Oswego. § 1, title 1, ch. 463, 1860; as amended by ch. 51, 1866.

Who to constitute board.

§ 1032. The mayor shall be the presiding officer of said board, but shall have no vote in their deliberations, except in cases where the commission are equally divided, when he shall have a casting vote. In the absence of the mayor, the commission may appoint one of their number as a president *pro tempore*. § 2, same title, as amended.

Presiding officer.

§ 1033. There shall be appointed within ten days after the passage of this act, by the supervisors and the mayor of the city of Oswego, or a majority thereof, four commissioners of public charity, one from each ward, two of whom shall hold their office for two years, or till their successors are appointed; and two shall hold their offices for four years, or until their successors are appointed, and biennially thereafter, between the tenth day of January and the first day of February, there shall be appointed, by the same authority, two commissioners of public charity to fill the place of those whose terms of office are about to expire, and who shall hold their offices for four years, or till their successors are appointed, provided each last appointed commissioners shall not enter upon their duties until the organization of the first new common council after their appointment, and provided, that the same authority that appointed these commissioners may remove them, or either of them, from office, at cause, and appoint others in their place, to fill the vacancy so made. § 3, title 11, ch. 463, 1860, as amended by ch. 51, 1866.

Number of commissioners.

How appointed.

Terms of office.

§ 1034. The said commissioners shall have sole and exclusive control of all measures pertaining to the support or relief of the poor of said city. They shall determine the amounts to be raised in each year, by tax, for poor purposes, and may prescribe to what extent, in what manner, and to whom support or relief shall be furnished, and may control the purchase and procuring of all supplies and provisions, fuel or other articles for the use of the poor, and may regulate and control the employment of physicians and medical aid for the poor. § 4, same title, as amended.

Duty and power of commissioners.

§ 1035. The commission shall have two meetings in each month. They may employ one or two competent persons at a reasonable salary, to transact the business of the commission, and who may be retained or dismissed at the pleasure of the commission, one of whom

Meeting of commissioners.

Clerk of commission.

- shall be designated as the clerk of the commission, when in session. § 5, same ch. as amended.
- Bond to be executed by clerk.** § 1036. The clerks in the last section named shall, before entering upon their duties, execute a bond with sufficient sureties, in such sum as the commission, or a majority of them, shall approve, to the city of Oswego, for the proper and faithful execution of their duties. The commission shall note their approval on the above named bond, and file the same in the office of the clerk of the city of Oswego. § 6, same ch. as amended.
- Estimate of expenses to be made to council by commissioners; amount to be inserted in city assessment.** § 1037. On or before the twentieth day of July in each year, the commission shall render an estimate to the common council, of the amount required to be raised for the ensuing year, for the relief or support of the poor, and the incidental expenses of the commission, and the common council shall thereupon insert the amount, so estimated in the general city assessment, for the current year, as the amount to be raised for poor purposes during such year, provided such estimate does not exceed the amount actually expended by the city, for the support and relief of the poor during the year next previous. § 7, title 11, ch. 463, 1860, as amended by ch. 51, 1866.
- Anticipation of tax.** § 1038. The mayor is hereby authorized, at the request of the commission, at any time after the estimate by the commission of the amount required for the ensuing year, to execute and deliver to the commission, his note or notes, under the city seal, for an amount not exceeding said estimate, in anticipation of the tax to be raised in such year for poor purposes. The funds procured by the negotiation of such note or notes shall be paid into the city treasury, to the credit of the poor fund. § 8, title 1, ch. 463, 1860, as amended by ch. 51, 1866.
- Expenditures, how made.** § 1039. The expenditures of the commission shall be made by orders drawn on the city treasurer, signed by the mayor or the acting president of the commission, and countersigned by the clerk of the commission. § 9, same ch.
- Duty of treasurer.** § 1040. The treasurer of the city shall pay out all moneys so raised, and to the credit of the poor fund, on the order of the president of said commission, countersigned by the clerk thereof. § 10, same ch. as amended.
- Record of proceedings and expenditures of commission and report to be published, &c.** § 1041. The said commission shall keep an accurate record of their proceedings and expenditures, and shall publish in the official paper of the city, monthly, a report showing the amount of their expenditures, and shall, also, make a full and detailed report to the common council of the year's expenditures, in time for publication, with the annual statement of the city clerk. § 11, same ch. as amended.

§ 1042. The said commission of public charities shall possess all the powers conferred by law upon the overseers of the poor of the several towns of this state, and be subject to the same duties, liabilities and obligations. § 12, same ch. as amended.

Powers of commission.

§ 1043. No member of the commission, or person employed by them, shall be interested, directly or indirectly, in any purchase, sale or profit, arising from supporting the poor, or supplies furnished to them. § 13, same ch. as amended.

Commissioners not to be interested in supplies

§ 1044. Each member of the said commission shall receive an annual salary of twenty-five dollars. § 14, same ch. as amended.

Salary of commissioners.

§ 1045. All acts or parts of acts inconsistent with this title are hereby repealed. § 15, same ch. as amended.

§ 1046. Immediately upon the organization of this commission, the office of all persons holding the office of overseer of the poor in said city shall terminate. § 16, title 11, ch. 463, 1860, as amended by ch. 51, 1866.

Office of overseer, when to terminate.

§ 1047. The commissioners of public charity of the city of Oswego may maintain the hospital now erected on lands in the Second Ward of said city, and may purchase other lands in or out of said city, the title to which shall be taken in the name of the city of Oswego, and may erect thereon an almshouse, and may appoint officers and servants for the government and management of said almshouse, and may regulate their powers and duties as they shall judge expedient. They shall have exclusive control of the said lands when purchased, and of the buildings erected thereon, and the same shall not be levied on or sold by virtue of any warrant or execution, nor be subject to taxation for any purpose whatever; and the common council of said city shall, upon the recommendation of said commissioners of public charity, sell any part of the lands hereinbefore mentioned upon such terms as the said commissioners shall deem reasonable, and the moneys received therefor shall be paid to the treasurer of the city of Oswego to the credit and for the use of the said commission. § 17, title 11, ch. 463, 1860, as amended by ch. 471, 1866.

Powers of commissioners of public charity in respect to almshouse.

Control of almshouse, etc.

§ 1048. The commissioners of public charity of the city of Oswego may send to and maintain at such almshouse, when erected, all persons in the city of Oswego requiring aid from the poor funds of said city, and may also cause such labor in manufactures or otherwise to be performed by the tenants of said almshouse as they shall prescribe, and may provide the materials, implements and machinery therefor at the expense of said commission. They may also erect in the said almshouse, proper cells and rooms for the confinement and care of lunatics and idiots, and

Paupers to be sent to almshouse.

Labor in almshouse, etc.

Cells for lunatics, etc.

Commissioners may contract for support of other paupers, etc.

other persons confined therein, and may provide for them and for the care of such lunatics, and may contract with the county of Oswego, or with any town in said county, and with other persons and authorities, for the support, care, and medical and surgical attendance of any paupers, lunatics, idiots, insane, sick, diseased or maimed persons. § 19, same title, as amended.

Balance of volunteer relief fund.

§ 1049. The unexpended balance of the volunteer relief fund of the city of Oswego, amounting to nine thousand four hundred and ninety dollars, or thereabouts, with any interest accrued thereon, shall be placed to the credit of the commissioners of public charity of the city of Oswego, and shall be paid out by the treasurer of said city upon their order, and shall be used by them in the purchase of lands and erection of an almshouse thereon as hereinbefore provided. § 19, same title, as amended.

Clerk of commissioners.

Suits, etc., by commissioners.

§ 1050. The commissioners of public charity of the city of Oswego may authorize their clerk, who shall be designated as clerk of the commission when in session, to commence and carry on and defend in their name, all proceedings authorized by the laws of this state, to be commenced and carried on or defended by the overseers of the poor of towns, and to serve in their name, and to accept service of, all notices that may be served by or upon such overseers of the poor. § 20, same title, as amended.

Common council to maintain pest-house etc. See §§ 1052 and 1048.

§ 1051. The common council may maintain the pest-house now erected on lands of the city in the second ward, and they may erect thereon a penitentiary, and they may purchase or lease other lands in or out of the city and erect thereon a penitentiary, and appoint superintendents of said pest-house and penitentiary, and by ordinance or otherwise govern and regulate the same. And may contract with the supervisors of the county of Oswego, and with other persons, for the support and care and medical and surgical attendance of any lunatics. § 15, title 8, ch. 463, 1860, as modified by § 2, ch. 471, 1860.

Lunatics.

§ 1052. So much of section fifteen of title eight of the charter of Oswego [ch. 463, 1860] as relates to the hospital and almshouse therein mentioned, and to the care of the poor, insane, sick and maimed is hereby repealed. § 2, ch. 471, 1866.

Tax to be levied, etc. in Schroepel, for purchase of poor-house, farm, etc.

§ 1053. The board of supervisors of the county of Oswego are hereby authorized, at their annual meetings in each of the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, and one thousand eight hundred and sixty-one, to cause to be levied and collected in the town of Schroepel in said county, in like manner as other town charges are by law directed to be levied and collected, the sum of eight hundred and seventy-five dollars, and at their annual meeting



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near one thousand eight hundred and sixty-two, the sum of eight hundred and seventy-five dollars, or so much thereof as may be necessary to carry out the provisions of this act; all of which moneys, or so much thereof as may be necessary, shall be expended in the purchase of a farm and the erection of suitable buildings and improvements, to be used for the purpose of keeping there the poor of said town, and such other persons as said town may be called upon to aid. § 1, ch. 460,* 1859.

54. Said farm shall be the property of the town of Schroepfel, and shall be under the charge and control of the overseers of the poor of said town, who are hereby authorized and directed to employ suitable person or persons at a reasonable compensation to take charge of the farm and the paupers therein, under the direction of said overseers. § 2, same ch.

Farm to be the property of town of Schroepfel.
Duty of overseers.

55. The overseers of the poor in said town may, in their judgment the interests of the town require, remove any person requiring aid from the town farm, and may employ them while there in the performance of such reasonable service as may be required. Any person refusing to perform such reasonable service shall not be entitled to any relief while persisting in such refusal.

Power of overseers to remove poor persons.
Employment of poor persons.

It shall be the duty of the said overseers to apply the proceeds of the farm to the support of the poor of said town, and to account annually for the same in the manner as for other moneys. § 3, ch. 460, 1859.

56. The collector of said town of Schroepfel shall collect the sums specified in section one of this act, and shall deliver the same to the commissioners hereinafter named, who shall be by them applied to the purposes herein provided. § 4, same ch.

Collector's duties.

57. Andrew Gilbert, Dudley Breed and Amasa P. [unclear] of the aforesaid town of Schroepfel, are hereby appointed commissioners to purchase said farm, and to erect thereon suitable buildings and improvements, with power to make all necessary contracts therefor; provided that the entire cost of said farm, buildings and improvements, including interest on moneys borrowed, and on all back payments, shall not exceed the sum of three thousand five hundred dollars. The said commissioners shall, before entering upon the duties of their office, execute their joint and several bond to the poor of said town, with two sureties, who shall be approved by the said supervisor, and conditioned for the faithful performance by said commissioners of their duties under this act, and the faithful application of said moneys. § 5, same ch.

Commissioners to purchase farm.

Cost of farm, etc., limited.

Bond of commissioners.

* To authorize the town of Schroepfel, in the county of Oswego, to purchase a farm, and to erect thereon a town poor-house. Passed April three-fifths being present.

Commissioners to proceed in performance of duty, etc.

§ 1058. It shall be the duty of the said commissioners to proceed without unreasonable delay to the performance of their duties under this act, and to report annually to the supervisor and justices of the peace of the said town of Schroepfel on the last Thursday preceding the annual meeting of the board of supervisors, all their official proceedings under this act, stating the amount of moneys received by them, with each item of expenditure, and the amount of money remaining in their hands at the date of their report. The said commissioners shall receive for their services at the rate of one dollar and fifty cents per day to each of them, for each day necessarily spent in the discharge of their duties under this act, and shall accompany each annual report with a sworn statement of the time actually so spent. § 6, same ch.

Their compensation and report

Duty of supervisor and justices of peace in respect to commissioners' accounts.

§ 1059. It shall be the duty of the supervisor and justices of the peace of the aforesaid town, on the last Thursday preceding the annual meeting of the board of supervisors in the year one thousand eight hundred and sixty-two, to audit the account of the said commissioners, and to determine and report to the board of supervisors of the aforesaid county the amount necessary to be raised to carry out the intentions of this act, said amount in no case to exceed the sum of eight hundred and seventy-five dollars. In case a vacancy should occur in the office of commissioner under this act either by death, neglect or refusal to serve, removal from the town or for any other cause, the supervisor and justices of the peace of said town, or any three of them, shall appoint a suitable person to fill said vacancy, and said person so appointed shall, after executing a bond as prescribed above, enter immediately upon the duties of his office. § 7, ch. 460, 1859.

Vacancy in commission.

Commissioners may borrow money, erect buildings.

§ 1060. The said commissioners are hereby authorized to borrow, at a lawful rate of interest, the moneys necessary to make a payment upon the farm, and to erect the buildings and make the necessary improvements in anticipation of the levying of the taxes aforesaid; provided that the sums so borrowed shall not exceed the aggregate amount of two thousand dollars. § 7, same ch.

Commissioners authorized to sell Schroepfel poor farm.

§ 1061. Edmund Merry, Anson Spencer, and Ephraim C. Fitzgeralds are hereby authorized and empowered, as commissioners, to sell and convey the farm belonging to the town of Schroepfel, in Oswego county, known as the poor farm, and purchased by said town under and by virtue of an act entitled "An act to authorize the town of Schroepfel, in the county of Oswego, to purchase a farm, and to erect thereon a town poor-house," passed April eighteenth, eighteen hundred and fifty-nine. Said farm to be sold at public or private sale by said commissioners, as to them may be deemed for the best interests



d town, and during the year eighteen hundred and three. § 1, ch. 282, 1863.

062. Said commissioners may, if in their judgment interests of said town will be promoted thereby, sell May sell on credit.
 on a credit of a term of years, taking good and
 ent security for the payments thereon. § 2, same ch.

063. The commissioners aforesaid shall faithfully Applica-
tion of
proceeds.
 the proceeds of said sale, as soon as the same shall
 into their possession, to the payment of such debts
 y be audited against said town, under and by virtue
 act entitled "An act to authorize the levying of a
 pon the taxable property of the different counties
 owns in this state to repay the moneys borrowed
 expended in the payment of bounties to volunteers,
 the expenses of their enlistment, or for aid to their
 ies," passed February eighteen, eighteen hundred
 erty-three. Said commissioners shall use said money
 t as the same shall come into their possession, in
 g said debts, after the same shall have been duly
 ed by the town board of the town of Schroepfel,
 r and by virtue of said act, and upon the order
 e supervisor and town clerk of said town. § 3, ch.
 1863.

064. Said commissioners, before entering upon the Commis-
sioners to
give bond.
 arge of their duties, shall execute a bond in the sum
 e thousand dollars to the supervisor of the town of
 eppel, with two or more sufficient sureties, for the
 ful performance of the trust hereby created, and
 t their proceedings, under this act, to the auditing
 l of said town at its annual meeting in each year,
 the full and complete discharge of said trust by
 § 4, same ch.

065. The act [ch. 217, 1860] entitled "An act to Repeal of
ch. 217,
1860, rela-
tive to
Hannibal.
 rize the town of Hannibal, in the county of Oswego,
 rchase a farm and erect thereon a town poor-house,"
 d April tenth, eighteen hundred and sixty, is hereby
 led. § 1, ch. 51, 1862.

066. All moneys heretofore collected under and by Certain
moneys of
Hannibal,
how
applied.
 e of said chapter two hundred and seventeen of the
 of eighteen hundred and sixty shall be applicable
 e payment of any town expenses, upon a vote of the
 rs of the town, at any regular town meeting, and in
 sence of any vote of the electors of the town in
 nce to the disposition of the funds so collected, they
 be applicable to the support of the paupers charge-
 to said town, and shall be held and disbursed in the
 manner as other funds raised for the aid or support
 e poor of said town. § 2, same ch.

CHAP. XXXVI.

OTSEGO COUNTY.

SECTION 1067. Superintendent of the poor of Otsego county, when and how to be authorized to purchase, sell or lease certain lands; certain purchases ratified.

1068. Action of supervisors confirmed; superintendent of poor authorized and directed to receive conveyance of certain land, and hold the same for poor-house purposes.

1069. Orphan House and Industrial School of the Holy Saviour, at or near Cooperstown, organized; its capability to take and hold property, &c.

1070. Object of such house.

1071. Trustees, their terms of office; classification and duties; vacancies in board, how filled.

1072. Supervisors of any county, or overseers of any town within the state, may contract with such institution for reception, care, &c., of certain destitute children.

§ 1067. The superintendent of the poor of the county of Otsego, under the direction of the board of supervisors, is hereby authorized and empowered to purchase, take and hold such parcels or tracts of land, not exceeding two hundred acres, in addition to the lands now held and owned by him as such superintendent, and to lease or sell and convey so much of the lands now held and owned by him as such superintendent, as shall heretofore have been or may hereafter be permitted and directed by the board of supervisors of said county, but not otherwise. And all purchases of land heretofore made by or under the direction of the board of supervisors of said county, are hereby ratified, confirmed and declared valid. § 1, ch. 167, 1867.

Otsego county superintendent authorized to purchase, sell or lease certain lands when permitted, &c., by supervisors.

Action of supervisors confirmed.

§ 1068. The board of supervisors of the county of Otsego, at a meeting held on the twenty-second day of December, eighteen hundred and sixty-five, having instructed George W. Ernst, William H. Ely and David Wilber, a committee appointed by said board, to purchase for the use and benefit and in the name of said county, a wood lot containing about one hundred acres, and empowered said committee to contract, if possible, to pay for the same on the first day of February, eighteen hundred and sixty-seven; or in case they should fail to make such a contract, then authorizing the treasurer of said county to borrow the full sum, or any part thereof, as might be required in payment of said land, under said contract as made by the said committee, such contract to be signed also by the chairman of the said board of supervisors in his official capacity; and the said committee having on

third day of January, eighteen hundred and sixty-six, in pursuance of such instruction and authority, concluded an agreement with Daniel Barney, executor, etc., of James Annolly, deceased, for the purchase of ninety-five acres of woodland, for the sum of four thousand eight hundred and fifty dollars, to be paid as therein specified, for the use of the said county for poor-house purposes, which said contract of purchase has since been duly approved by the board of supervisors of said county, at a meeting held on the seventeenth day of November, eight-hundred and sixty-six; the action of said board of supervisors is hereby declared valid, and the said contract of purchase of said land by said committee is hereby confirmed and declared valid and binding upon all the parties. And the superintendent of the poor of said county Otsego is hereby authorized and directed to receive the conveyance of said land, and hold the same for poor-house purposes. § 2, same ch.

1069. David H. Buel, George W. Ernst, G. Pomeroy, David A. Avery and Susan Fenimore Cooper, of Cooperstown, and their associates and successors duly elected and appointed in the manner hereinafter provided, hereby constituted a body corporate, by the name of the trustees of the Orphan House and Industrial School of the Holy Saviour, at or near Cooperstown," and by that name shall have perpetual succession, and be capable of suing and holding, by purchase, gift, grant, devise or bequest (subject to all provisions of law relating to devises and bequests by last will and testament) any and all such estate, both real and personal, as may be necessary for the purposes and objects of such corporation, provided the real value or income of the same shall not exceed the sum of twenty thousand dollars. § 1, ch. 105,* 1870.

1070. The objects of said corporation shall be charitable and religious, and the care, management and distribution of the property and funds now provided, together with such property and funds as may be hereafter provided, contributed to, collected for, or acquired by, said corporation, by purchase, gift, grant, devise or bequest, and any accumulations thereof, in trust or otherwise, for the support and maintenance of the Orphan House and Industrial School of the Holy Saviour, at or near Cooperstown, a home for orphans, half-orphans and destitute children, and the inmates of the same; and to receive orphans, half orphans and destitute children generally under its charge, and to care for, maintain and educate the same according to such rules

Orphan House and Industrial School of the Holy Saviour, at or near Cooperstown.

Its objects

an act to incorporate the trustees of the Orphan House and Industrial School of the Holy Saviour, near Cooperstown, New York. Passed March 25.

Funds to be invested. and regulations as the said trustees, with the approbation of the convention of the Protestant Episcopal church, in the diocese of Albany, shall from time to time adopt. All property and funds not required for current use may be invested and held in trust by said trustees. § 2, same ch.

Trustees, their terms of office, &c. § 1071. The said trustees shall consist of the bishop of the Protestant Episcopal church in the diocese of Albany, who shall be, ex officio, president of the same, and ten other persons, as follows, viz.: David H. Buel, George W. Ernst, G. Pomeroy Keese, David A. Avery and Susan Fenimore Cooper, of Cooperstown, J. H. Hobart Brown, of Cohoes, William Payne, of Schenectady, John Tweddle, of Albany, F. W. Farnham, of Troy, and William J. Averell, of Ogdensburgh, who shall constitute the first board of trustees, and shall hold their offices for one year and until others are elected to fill their places. The said trustees shall appoint a secretary and treasurer, and cause a record to be kept of their proceedings in a book or books, which shall be open to the inspection of the said convention, or any committee of the same; and a report shall be made annually to the said convention, signed by at least a majority of the said trustees, showing in detail their proceedings, the condition of the property and funds intrusted to their charge, and also their receipts and expenditures. All vacancies in said board may be filled by the remaining trustees. The said trustees shall conform to any instructions or directions of the said convention touching the management and care of said orphanage, and the property and funds of the same, provided the same shall be in writing, and entered on the journals of the said convention. § 3, ch. 105, 1870.

Vacancies.

Supervisors and overseers may contract with trustees. § 1072. It shall be lawful for the board of supervisors of any county, or of the overseers of the poor of any town within the state, to arrange and contract with the said trustees for the reception, care, maintenance and education of orphans, half-orphans and destitute children in said orphan house, from their respective towns and counties, subject to such rules and regulations as the said trustees may adopt in regard to the same. § 4, same ch.



RELIEF OF THE POOR.

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CHAP. XXXVII.

PUTNAM COUNTY.

~~1073.~~ Office of Putnam county superintendent abolished.

1074. Board of supervisors authorized to employ a keeper of the county poor-house; duty of such keeper.

1073. The office of county superintendent of the county of Putnam is hereby abolished, and provisions of the act [chap. 498] passed December tenth, eighteen hundred and forty-seven, and all other inconsistent with this act, requiring the election of officers, so far as the same apply to the county of Putnam, are hereby repealed. § 1, ch. 118,^a 1856.

Putnam county, office of superintendent abolished. See ante, §§ 21-25.

1074. The board of supervisors of said county are hereby empowered and authorized to employ, on such terms as said board shall deem proper, a keeper of the county poor-house of said county, whose duty^b it shall be to take charge of and superintend the management of the poor-house and farm of said county, under the control and direction of said board. § 2, ch. 118, 1856.

Keeper to be employed.

CHAP. XXXVIII.

QUEENS COUNTY.*

~~1075.~~ Repeal of chapter 156 of 1858.

1076. Repeal of chapter 12 of 1863.

1077. Purchase of farm in town of Hempstead authorized to be made, and title to same to be taken in name of overseers of the poor of such town.

1078. Supervisor authorized to borrow the money required for such purchase; the debt thus created, how to be liquidated.

1079. Such farm to be the property of such town, and to be under the direction of the overseers.

to act to abolish the office of county superintendent of the poor in the city of Putnam, and to authorize the board of supervisors of said county to employ a keeper of the county poor-house and farm. Passed April 7, 1856, three-fifths being present. By chapter 424, 1870, the provisions of sections 114-120 of this Code, relating to the reports by superintendents of the poor to the secretary of the Board of Supervisors, are extended and made applicable to the keeper of the poor-house of the county of Putnam, and by section three of said chapter the keeper is required to make his annual report on or before the 10th day of January in each year covering the year ending November thirtieth, upon the books of the poor required to be made by the aforesaid provisions. See, ch. 491. or laws relating to the protection of the planting of oysters in the city of Queens, see chapter 343, 1863, as amended by chapter 386, 1864, and chapter 1570.

SECTION 1080. Paupers upon such farm may be required to labor thereon.

1081. Products of such farm, how to be applied and accounted for by the overseers.

1082. Repeal of section 3, chapter 30, of 1856.

1083. Three overseers for the town of Hempstead.

1084. One of such overseers to reside in the village of Hempstead.

1085. " Trustees of Jones' fund for the support of the poor;" authority of town auditors of the towns of Oyster Bay and North Hempstead in respect to the poor farm, the title of which is held by such trustees.

1086. Duty of such trustees.

1087. Beggars and vagrants in Long Island City, and the power of the common council in respect to them.

1088. Jamaica, village of, one overseer to be elected in.

1089. Powers and duties of such overseer.

1090. Firemen's widows and orphan fund in the village of Jamaica.

Queens
county su-
perintend-
ents. Ch.
156, 1856,
repealed.

§ 1075. Chapter one hundred and fifty-six of the laws of eighteen hundred and fifty-eight, entitled "An act relating to superintendents of the poor in Queens county," passed April twelfth, eighteen hundred and fifty-eight, is hereby repealed. § 1, ch. 350, 1860.

Repeal of
ch. 12, 1865.

§ 1076. The act entitled "An act [chap. 12] to fix the compensation of certain town officers in the several towns of Queens county," passed February second, eighteen hundred and sixty-five, is hereby repealed. Ch. 42, 1866.

Purchase
of farm in
Hemp-
stead.

§ 1077. The supervisor, town clerk and overseers of the poor of the town of Hempstead in Queens county, are hereby authorized and empowered as commissioners to purchase a farm in said town, the title to which, when purchased, shall be taken in the name of the overseers of the poor of said town, at an outlay not to exceed the sum of eight thousand dollars; which sum shall include the purchase price of said farm and such immediate alterations as may be necessary in the buildings thereon. § 1, ch. 567, 1869.

Outlay
therefor.

Supervisor
may bor-
row
money.

§ 1078. The supervisor of said town is hereby authorized to borrow at a lawful rate of interest the sum of money required to purchase said farm, and make the necessary alterations and repairs upon the buildings thereon, if any are required; which sum shall not exceed the said sum of eight thousand dollars. And the indebtedness thus created shall be liquidated by raising a tax upon the taxable inhabitants of said town in the next succeeding year, and in the same manner as other taxes are now levied and collected, the said sum and the interest that may be due thereon. § 2, same ch.

Tax there-
for.

§ 1079. The said farm shall be the property of the said town of Hempstead, and shall be under the charge and control of the overseers of the poor of said town; and they are hereby authorized and directed to employ a suitable person or persons at a reasonable compensation to take charge of said farm and the paupers thereon, under the direction and control of said overseers. § 3, same ch.

Farm to be under control of overseers of poor.

§ 1080. The said overseers may cause such of the paupers upon said farm as are able to be employed in such reasonable service thereon as may be required. § 4, same ch.

Employment of paupers upon farm.

§ 1081. It shall be the duty of said overseers to apply the products of said farm to the support of the poor thereon; and the said overseers shall account annually in respect to said farm, in the same manner as they are now required to report and account by law. § 5, same ch.

Products of farm, how applied. Annual account.

§ 1082. Section third of an act [chap. 30, 1856] entitled "An act in relation to the village of Hempstead, in the county of Queens," passed March third, eighteen hundred and fifty-six, is hereby repealed. § 1, ch. 114, 1861.

Hempstead.

§ 1083. The town of Hempstead, in the county of Queens, shall be entitled to three overseers of the poor for said town. § 2, same ch.

Overseers.

§ 1084. One of the said overseers shall reside within the incorporated bounds of the village of Hempstead. § 3, same ch.

Where to reside.

§ 1085. The boards of town auditors of the towns of Oyster Bay and North Hempstead, in the county of Queens, or a majority of each of said boards, are hereby authorized to appropriate and pay over, from time to time, as may be necessary, from any bonds in the possession of the supervisor belonging to their respective towns, to "The trustees of the Jones' fund for the support of the poor," a sum not exceeding twelve thousand dollars, to be received, used and expended by the said "The trustees of the Jones' fund for the support of the poor," for the erection of buildings upon and the improvement of the farm known as "the poor farm," situated in the said town of Oyster Bay, the title of which is vested in said trustees, to be used for the support of the poor of the said two towns; provided the electors, at the next annual town meetings, shall ratify and confirm the same, and also for the purpose of paying off all indebtedness upon or connected with said farm, and for incidental expenses for such repairing and building, and also allowing said trustees to purchase from four to six

Amount town auditors of Oyster Bay and North Hempstead may pay to trustees of Jones' fund, provided electors consent.

Objects of payment.

acres more of land to straighten the line of said farm-
§ 1, ch. 244,* 1866.

Trustees
to expend
the money
and keep
account in
items, and
make
report to
auditors.

§ 1086. The said "The trustees of the Jones' fund for the support of the poor," upon receiving said amount, in bonds or otherwise, from both of said boards of town auditors, are hereby authorized to proceed and expend the same, or such portion thereof as shall in their opinion be necessary for the purposes above indicated, keeping a full and complete account by items of such expenditure, and within six months after the completion of such buildings and repairs, and the payment of said indebtedness and incidental expenses as above authorized, the said "The trustees of the Jones' Fund for the support of the poor," shall prepare a full and complete report of all their proceedings and of their accounts by items, which shall be made in duplicate, and shall be verified by the president or treasurer of said corporation; and when so completed and verified, one copy thereof shall be delivered to the board of town auditors of each of said towns, and should there remain any balance unexpended, the same shall be paid over in equal portions, on the delivery of said reports, to the boards of town auditors of said towns. § 2, ch. 244, 1866.

Beggars
and va-
grants in
Long Is-
land City.

§ 1087. The common council [of Long Island City] shall have the powers within said city to make, establish, publish and modify, amend and repeal rules and regulations and by-laws for the following purposes: To restrain and punish beggars, mendicants and common prostitutes. Sub. 9, § 8, title 3, ch. 719, 1870.

Overseers
in Jamaica
village.

§ 1088. [There shall be] one overseer of the poor of the village of Jamaica, who shall be elected by ballot by the electors of said village. Part of § 1, title 3, ch. 264, 1855. [He shall hold his office for the term of one year, and such term of office shall commence immediately after his election and continue until the election and qualification of his successor. Part of § 2, same title.]

His pow-
ers and
duties.

§ 1089. The overseer of the poor shall possess and exercise within the village all the powers of overseers of the poor in the several towns of this state, and be subject to the like duties and responsibilities, and shall have ex-

* "An act to authorize the boards of town auditors of the towns of Oyster Bay and North Hempstead, in Queens county, to appropriate bonds to erect buildings, make improvements, and pay off the debt upon the farm upon which the poor of the said towns are supported." Passed March 30, 1866; three-fifths being present. By chapter 106, of 1867, entitled "An act to authorize the board of town auditors of the towns of Oyster Bay and North Hempstead, in the county of Queens, to raise by tax, upon the taxable property of each of said towns, the sum of two thousand five hundred dollars," the said towns were authorized to submit to the electors thereof, at the town meeting held in said towns next after the passage of said act, for adoption or rejection, whether they would raise upon the taxable property of each of the said towns the sum of twenty-five hundred dollars, to finish the poor-house then being built, and to furnish said building, and to erect outbuildings upon the Jones' Institute Farm; and in case said moneys were voted at such meetings, then it was by said chapter further provided how such sums should be raised and disbursed, &c.

the power and authority, as such overseer of the poor in the village of Jamaica, subject to the superintendence and direction of the board of trustees; and he is hereby authorized and empowered to draw on the treasury of the town of Jamaica for such proportion of the moneys raised for the support of the poor in the town of Jamaica, as the board of trustees of the village, and the officers of the poor, supervisor and town clerk of the town of Jamaica, shall determine to be a fair proportion of for the support of the poor in said village. And it shall be the duty of said officers of the town and village to meet in said village and apportion the same, within one month after the annual election in said town each year, and to make and file their certificate thereof with the clerk of said town, and also a duplicate thereof with the clerk of said village; and the supervisor of said town is hereby authorized and required to pay to the overseer of the poor of said village, under such regulations as the said board of trustees shall prescribe, the amount of such apportionment for the support of the poor in said village, out of any moneys in his hands or under his charge for the support of the poor of said town. The time and place of such meeting shall be appointed by the board of trustees, and at least three days' notice in writing thereof shall be served upon the said officers personally, or by leaving the same at their respective places of residence. § 8, title 3, ch. 264, 1855.

1000. The objects of the "Board of trustees of the firemen's widow and orphan fund of the village of Jamaica," are hereby declared to be, the providing, maintenance and control of a fund for the relief of indigent or disabled firemen, and of the widows and orphans of deceased firemen. Part of § 1, ch. 382, 1866.

Firemen's
widow and
orphan
fund of
Jamaica.

CHAP. XXXIX.

RENSSELAER COUNTY.

1001. Three superintendents in Rensselaer county, one of whom to be elected annually, and to hold his office for three years; vacancies, how to be supplied.
1002. Auditing superintendents and acting superintendent, and how each to be elected.
1003. Acting superintendent to give bond; how bond to be approved, and amount to be determined.
1004. Duties of acting and auditing superintendents in respect to auditing accounts.
1005. Book to be kept by them and entries therein to be made.

RELIEF OF THE POOR.

- SECTION 1096. Such book to be open for examination of every tax payer.
1097. Fees of auditing superintendents, and how to be audited.
1098. Acting superintendent to make estimate and advertise for proposals for supplies; advertising for proposals for supplies.
1099. Proposals to be accompanied by guarantee, and when to be opened, &c.
1100. Purchases in open market; when not prohibited.
1101. Keeper of house of industry to be appointed, who shall be manager of the county farm; physician to be appointed; such keeper and physician to hold office during the pleasure of county board of superintendents; salaries of acting superintendent, physician and keeper to be fixed by board of supervisors.
1102. How money for articles only to be paid.
1103. Temporary relief of the poor, and duties of superintendent in respect thereto.
1104. Superintendents not to be interested in contracts; malfeasance in office; when superintendent deemed guilty of, and when he may be removed by the governor; vacancy in office caused thereby, how to be supplied.
1105. Drafts; when and under what circumstances only can county treasurer pay.
1106. Sales of produce of county farm only to be made by acting superintendent, and only for cash.
1107. Account of labor performed by each pauper to be entered in a book by keeper of House of Industry.
1108. Physician to House of Industry to keep book and make entries therein.
1109. Superintendents at commencement of each annual meeting of board of supervisors to report.
1110. Inconsistent laws repealed.
1111. Rensselaer County Lunatic Asylum; who may be sent there.
1112. Superintendents authorized to remove indigent and insane persons from the Utica asylum to the county asylum.
1113. Powers of superintendents and overseers to send insane paupers to county asylum.
1114. Payments to be made by county treasurer to governors of Marshal Infirmary, on account of expense of maintaining and clothing indigent insane and pauper lunatic patients; duty of supervisors.
1115. Provisions of Revised Statutes applicable to county lunatic asylum.
1116. Troy overseer of the city poor to be appointed; duty of common council in respect to the poor department.
1117. Troy Orphan Asylum, trustees of; how and under what circumstances may receive and bind out children.
1118. Superintendents of the poor of Rensselaer county, when authorized to contract with trustees of said asylum to support, maintain and educate indigent children.

1119. Power of such asylum to take and hold property.

1120. Repeal of § 7, ch. 61, 1835.

1121. Church Home of the city of Troy; its object.

1122. Day Home; its object.

1091. At the general election in November, one thousand eight hundred and forty-eight, there shall be elected three superintendents of the poor of the county of Rensselaer, in the same manner that other county officers are chosen; one of said superintendents so elected shall hold his office for one year, one for two years, and one for three years from the first day of January, one thousand eight hundred and forty-nine, and annually thereafter there shall be elected in the county of Rensselaer one superintendent of the poor, who shall hold his office for three years. The board of supervisors may fill vacancies which may occur in such offices. Part of § 2, ch. 5,^a 1820, amended by § 1, ch. 240, 1848.

§ 1092. From and after the passage of this act, the two superintendents of the poor having the shortest time to serve shall be designated auditing superintendents, and shall be competent to do no other acts officially, nor shall perform any other acts officially than those prescribed in this act. The third superintendent of the poor, being the one having the longest term to serve, shall be designated acting superintendent of the poor; shall discharge all the duties required by law from a county superintendent of the poor; together with all other duties required by this act, from the acting superintendent of the poor. And hereafter there shall be elected at the general election preceding the expiration of the term of office of each of said two first named superintendents of the poor, one auditing superintendent of the poor, to fill that office for three years; and at the general election preceding the expiration of the term of the third named superintendent of the poor, there shall be elected one acting superintendent of the poor, who shall fill that office for three years. § 1, ch. 344,^b 1860.

Three superintendents in Rensselaer county.

See post, § 1032. One elected annually; term of office.

Vacancies, how to be filled.

Auditing superintendents.

Acting superintendents of poor.

Such superintendents, how to be elected.

^a An act relative to the poor. Passed March 3, 1820. By section one of said act it was made, among other things, lawful for the supervisors of Rensselaer county to purchase and hold to themselves and their successors office forever for the use of the inhabitants of said county, at such place in the same county as they or a majority of them shall deem proper, a tract of land not exceeding the quantity of two hundred acres, and thereon build a erect for the accommodation, employment and use of the poor of said county, suitable building, to be denominated the "House of Industry of the county of Rensselaer." Sections 3, 4 and 5 of said act provided when and under what circumstances, and for how long a time, and by whom, idle, disorderly persons and beggars might be committed to "The House of Industry of the county of Rensselaer." Section six of said act made it lawful for the keeper of said house to require and compel all persons committed to his care or custody in the same, by virtue of said act, to perform work, labor and services toward defraying the expense of their maintenance and of their support, as they should severally be able to perform, and prescribed the punishment to be inflicted upon any inmate of such house who should refuse to perform such work, labor and services.

^b An act relating to the support of the poor of Rensselaer county. Passed April 12, 1860; three-fifths being present.

Acting
superin-
tendent
of poor to
give bond.

§ 1093. The acting superintendent of the poor so elected shall give bail in the amount required by the board of supervisors from a county superintendent of the poor, and his bonds shall be approved by said board as now required by law in such case. § 2, same ch.

Duties of
acting and
auditing
superin-
tendents.

§ 1094. The (acting and) auditing superintendent* of the poor shall, on the first Wednesday of every month, meet at the house of industry, or the office of the acting superintendent, at the court-house, in said county, and then and there audit, examine and allow, or disallow, every claim, account, bill or demand, presented by the acting superintendent, or any other person or persons, against the acting superintendent, or the board of superintendents, for the support of the county poor, or for any service, subsistence, supplies or maintenance of the county poor of said county, or for the support of any or all the inmates of the house of industry. § 3, ch. 344, 1860.

Book of
accounts,
expenses,
etc., to be
kept.

§ 1095. They shall keep a book in the office of the acting superintendent of the poor, in the court-house, in Rensselaer county, in which shall be entered a full and correct statement of all articles purchased for the care, support and maintenance of the inmates of said house of industry; or for the management and cultivation of the farm, and for the keeping of the team or teams, cattle and stock upon the same, together with the name of the person or persons of whom the same was purchased, and the price thereof; another book in which all articles sold shall be entered, with the price, names of the purchasers, and date of said purchase; and a third book in which shall be entered at length every contract, whether written or verbal, and the names of the contracting parties; and a fourth book, in which shall be entered the name, age, sex, previous habits, nativity, last place of residence, and name of committing officer, of every pauper inmate, together with the name of the town or city to which they are severally chargeable. § 4, same ch.

To be open
for exam-
ination for
tax payers
between
certain
hours.

§ 1096. The said books shall be open for the examination of every tax payer of said county, from ten o'clock in the morning to twelve at noon, and from one till four o'clock in the afternoon of every day except Sundays, legal holidays and election days. § 5, same ch.

Fees of
auditing
superin-
tendents.

§ 1097. The said auditing superintendents shall each receive four dollars per day for every monthly meeting for auditing said accounts, and twenty cents for every mile necessarily traveled to attend said meetings, reckoning only one way, which bills shall be audited and allowed by the board of supervisors, as other accounts are allowed, and no more than eight dollars per month and said travel

* So in original.

fees, for one journey, shall be allowed. § 6, ch. 344, 1860, as amended by ch. 486, 1863.

§ 1098. The acting superintendent shall, immediately upon the passage of this act, make an estimate of the beef, flour, pork, fuel of all kinds, rice, coffee, tea, sugar, cloth, clothing, boots, shoes, leather, fish, salt, candles, soap, lumber, grain, seeds, and every other article of use or subsistence, the annual consumption of which at the house of industry exceeds twenty-five dollars; and shall advertise under the notice of "proposals for supplies at the house of industry," for twenty days, in two daily and in two weekly newspapers, having the largest circulation, published in the county, for sealed proposals to furnish the kind, quality and quantity of the articles of subsistence, estimated to be needed for the keeping of inmates of the said house of industry for six months; and at the end of every six months the said acting superintendent shall renew the said estimate and advertisements. No purchases except those provided for in this act shall be made by the said acting superintendent. § 7, ch. 344, 1860.

Acting superintendent to make estimate, and advertise for proposals for supplies.

§ 1099. At the next monthly meeting of the said superintendents, after the expiration of the said twenty days, the said sealed proposals shall be opened by the said acting superintendent in the presence of at least one of the auditing superintendents, and the contract or contracts shall be awarded to the lowest bidder or bidders, who shall furnish ample security for the performance of the said contract or contracts. A guarantee shall accompany each proposal, signed by the bidder and one other responsible party, that in case said proposal is accepted, said bidder will enter into contract as required, and in case said contractor shall fail to perform his contract, it shall be the duty of the acting superintendent forthwith to re-advertise for the supplies called for by the contract, in the manner prescribed in section seven [sec. 1098] of this act. § 8, same ch.

Contracts, when opened, and to be awarded to lowest responsible bidder.

Guarantee.

§ 1100. Nothing contained in this act shall be construed as forbidding said superintendent from purchasing in open market such articles as may be necessary in the event of the neglect of a contractor or contractors to comply with their contracts, nor from purchasing articles not required to be purchased by contract. § 9, same ch.

May purchase necessary articles in certain cases.

§ 1101. The board of superintendents of the said county shall appoint the keeper of the house of industry, who shall be the manager of the county farm, subject to the general directions of the acting superintendent, which directions the acting superintendent shall communicate in writing whenever requested so to do by the said keeper, and said board shall also appoint a physician of the said

Board of superintendents to appoint keeper of house of industry and a physician.

Salaries. house of industry, and said keeper and physician respectively shall hold their offices during the pleasure of the said board. The annual salaries of the said acting superintendent, keeper and physician shall be fixed by the board of supervisors, and shall be neither increased nor diminished during their term of office. § 10, ch. 344, 1860, as amended by ch. 216, 1862.

No money to be paid until delivery of articles. § 1102. No money shall be paid nor draft delivered to any contractor or to any other person for articles furnished under the contract before mentioned, or for any other property furnished by any person, until the said articles shall have been actually delivered at the house of industry, and the same shall have been examined, their weight or measure ascertained by the keeper; which delivery, weight and measure shall be verified by the affidavit of the keeper, which shall state that at date thereof he has personally received, inspected and weighed or measured such articles, and that the quantity and quality is correct as charged. § 11, ch. 344, 1860, as amended.

Relating to temporary relief and duties of superintendent. § 1103. It shall be the duty of the said acting superintendent to grant the necessary temporary relief to poor persons residing in the city of Troy, whose relief would be by law a county expense, in the same manner as town overseers of the poor are now required to grant relief to poor persons residing in their respective towns, and under the same restrictions of law, so far as the same shall be applicable, as said town overseers now are, excepting the compensation for such services, which shall be fixed by the board of supervisors of the county; and also excepting that said acting superintendent shall not be required to apply to any officer for authority. The expenses incurred for temporary relief under this section shall, in no case, exceed the cost of maintaining the person relieved at the house of industry, for the same length of time as that for which relief is granted, except when the removal of such person to said house of industry shall be clearly impracticable; and the said acting superintendent shall keep a book of record in his office, in which shall be entered in full the name and residence of each person receiving any relief or assistance, together with the date and amount of the same, and also the manner or means by which such relief or assistance has been rendered; such book to be free and open for the inspection of any tax payer of the county, from nine o'clock in the forenoon until twelve o'clock at noon, and from two o'clock until four o'clock in the afternoon of each and every day in the year, Sundays and legal holidays excepted. § 3, ch. 216, 1862.

Cost for such relief, book to be kept.

Such book to be open for inspection, etc.

How superintendent § 1104. Any superintendent who shall be interested in any way, directly or indirectly, in any contract for sup-

of subsistence or other articles, except as herein provided, or shall make any false or fraudulent entry in any of the books before mentioned, or neglect or disregard any of the duties herein prescribed, shall be deemed guilty of malfeasance of official duty; and it shall be the duty of the governor, upon sufficient proof of the same, to remove him from office. Any vacancy so occurring shall be filled in the manner now provided by law. 12. ch. 344, 1860.

may be removed for being interested in contracts for supplies.

Vacancy.

§ 1105. The county treasurer shall pay no draft for and on behalf of the support of the poor of the county of Seneca, unless the same shall have been drawn by the acting superintendent of the said county, and the same shall have been countersigned by at least one of the auditing superintendents: nor shall he pay any draft of said superintendents, except to discharge a liability incurred pursuant to the provisions of this act. § 13, same ch.

Drafts to be properly drawn and countersigned.

§ 1106. No produce of the county farm or garden, nor any of the stock kept thereon, nor any other property of whatever name or nature, upon or pertaining to the same, shall be sold by any other person than the acting superintendent aforesaid, and such sales shall be only for cash and upon the delivery of the said property by the purchaser; nor shall any or either of said superintendents be interested, directly or indirectly, as a purchaser in any such purchases or bargains. § 14, same ch.

Produce of county farm.

§ 1107. The keeper of the said house of industry shall keep a book in which the labor of any and every pauper in said house of industry shall be daily noted when such labor is performed, provided it exceeds one hour in duration, together with the kind of labor, whether it be on the farm, or in the domestic labor of the kitchen or otherwise: unless otherwise ordered by the board of superintendents. § 15, same ch.

Account of labor of paupers to be kept in book.

§ 1108. The physician to the said house of industry shall be required to keep a book in which shall be entered the name, age, sex, nativity, name of disease, date of commencement, date of discharge and termination of the disease of every pauper inmate requiring medical attendance, which book shall be subject to the control and inspection of the board of superintendents. § 16, same ch.

Duty of physician.

§ 1109. At the commencement of every annual meeting of the board of supervisors, the said superintendents shall report, in the manner now required by law, their doings as such officers, and shall lay upon the table of the clerk of said board all their books, vouchers, memorandums, and all other papers relating to the administrations of the affairs of said house of industry, together with any suggestions they may see fit to make for its improvement,

To make annual report.

or the condition of the pauper inmates of the same. same ch.

§ 1110. All laws and parts of laws inconsistent w provisions of this act are hereby repealed. § 18, sa

Lunatic or
insane per-
son may be
sent to
Rensselaer
insane
asylum.

§ 1111. Whenever a county judge in the cou Rensselaer shall find a person in indigent circum not a pauper, to be a lunatic or insane person, he have the power to send such person to the Ren County Lunatic Asylum in the city of Troy, in th manner as he is now authorized to send such per the lunatic asylum at Utica. § 1, ch. 191,* 1860.

Indigent
insane
persons
may be
removed
from Utica
to Rensse-
laer Co.
Asylum.

§ 1112. It shall be lawful for the superintendents poor in the county of Rensselaer, at any time, to r any indigent and insane person confined in th asylum at Utica, and who is a county charge, fro asylum at Utica, to the Rensselaer County Lunati lum, in the city of Troy, and to charge the expa said removal to said county. § 2, same ch.

Superin-
tendents
and over-
seers of
poor in
Rensselaer
county.

§ 1113. The superintendents of the poor in the of Rensselaer, and the overseers of the poor in the Troy, and the several towns of said county, shal the same power to send insane paupers to the Ren County Asylum as is now given them by the E Statutes to send such insane paupers to the asy Utica. § 3, same ch.

Treasurer
of Rensse-
laer
county to
pay ex-
penses of
insane,
quarterly.

§ 1114. The treasurer of the county of Rensse hereby authorized and directed to pay quarterly, treasurer of the governors of the Marshall Infirmary portion as may be demanded by him, in writing, expense of maintaining and clothing the indigent and pauper lunatic patients who may hereafter b fined in said Rensselaer County Lunatic Asylum portion not to exceed the rate of three dollars a w each patient so confined, and who is properly char to said county. And the supervisors of said cou hereby required and directed to raise annually, in ad a sum supposed to be sufficient to meet said pay § 4, same ch.

Duty of
super-
visors.

Consistent
provisions
of Revised
Statutes
applicable.

§ 1115. All the provisions of the Revised Statute one, chapter twenty, title three, articles one and tw of laws since passed by the legislature, relating to lu and not inconsistent with this act, shall be applic the Rensselaer County Lunatic Asylum, and to in insane and pauper lunatics confined therein, in th manner as said laws are now applicable to said asy Utica, and to persons confined therein. § 5, same

Troy over-
seer of the
city poor.

§ 1116. There shall be an overseer of the city p the city of Troy, who shall be nominated by the

* An act relating to insane patients in the Rensselaer County Asylum. Passed April 6, 1860; three-fifths being present.

of the city to, and be confirmed or appointed by, the common council. Part of § 1, title 2, ch. 598, 1870. It shall be the duty of the common council to provide by ordinance for the establishment and regulation of all the departments, as prescribed by this act and other laws in force in said city, under the proper heads, to wit: for law, finance, surveys, highways, streets, alleys and avenues, navigation, health, water, gas, fire, the poor, the city property, and the public grounds, and such others as may, from time to time, be needed. And through the mayor and proper committees the said common council shall maintain a supervision of each department, whether corporate or otherwise, for the exposure and correction of all evils and abuses, and for that purpose may require the production of and inspect all books and papers, and compel the attendance of witnesses by subpoena, and examine them under oath or affirmation; but no member or members of said common council, whether a committee or otherwise, shall make any disbursements of corporate moneys, nor audit the accounts thereof, nor perform any other executive duty whatever. Any bills passed upon or reported by any committee of said common council, or either of them, shall not be paid, unless ordered by said common council. Part of § 3, title 3, ch. 598, 1870.

Duty of common council in respect to poor department, &c.

§ 1117. When a child shall be surrendered to the charge and custody of the trustees of the [Troy Orphan Asylum] by an instrument in writing signed by the parent or guardian of such child, or by the superintendents of the poor of the county of Rensselaer, the said trustees may, in their discretion, receive such child and bind out such child, being of the full age of eight years and not under, to some suitable employment, in the same manner as overseers of the poor are by law authorized to bind out poor and indigent children; but proper provision shall in every case be made and inserted in the indentures by which such child shall be bound to service, for securing an education fitting and proper for the condition and circumstances in life of such child. § 3, ch. 61, 1835.

Receiving and binding out of children by trustees of Troy Orphan Asylum.

§ 1118. It shall be lawful for the superintendents of the poor of the county of Rensselaer to contract with the trustees of the said corporation for the maintenance, education and support within the place provided for the keeping of said children, of any poor or indigent child under their care; and such child, while under the charge and within the custody of the trustees of the said corporation, shall be subject to the same rules, regulations and government as if such child had been surrendered to the charge and custody of the trustees by the parent or guardian of such child in manner aforesaid. § 6, same ch.

Superintendents of the poor may contract with such trustees for the support, &c., of poor and indigent children.

Troy
Orphan
Asylum;
its power
to take
and hold
property.

§ 1119. Said corporation [the Troy orphan a may take, by gift, devise or bequest, real and p estate, and hold the same for the benevolent purp which it was created, viz.: the relief, support an cation of orphan and destitute children; but tl estate which said corporation may hold, exclusiv orphan house or asylum, and ground attached t shall not at any time exceed the net yearly vi income of ten thousand dollars. § 3, ch. 47, 1859

Repeal of
§ 7, ch. 81,
1836.

§ 1120. The seventh section of the act [of ch. 61, entitled "An act to incorporate the Troy Orphan As passed April tenth, eighteen hundred and thirty hereby repealed; and all other provisions of a inconsistent with the provisions of this act are re § 4, same ch.

Church
Home of
Troy.

§ 1121. The general purpose and object of the ration [the Church Home of the city of Troy] created shall be the support or relief of the aged, t the infirm and the destitute. § 5, ch. 138, 1863.

Troy Day
Home.

§ 1122. The object of the "Day Home" is and t to provide in the city of Troy a day home for su dren as, from the poverty or vice of their parents, objects of this charity, and especially for such of th as are unable or unwilling to attend the ward scho instruct them in the rudiments of learning and in to furnish them a noonday meal, if thought advisal to endeavor to gain such an influence over these cl both in school and at their own homes, as may t their moral and social elevation; while the above t the principal and leading objects of the society, also have power, in extraordinary cases, to furnis porary home for day and night, to destitute childr may require such temporary shelter. § 2, ch. 164 as amended ch. 101, 1866.

CHAP. XL.

RICHMOND COUNTY.

SECTION 1123. Repeal of chapter 952 of 1867.

1124. Superintendents in Richmond county; their classification, where to reside, and how a to be elected.

1125. Office of overseer abolished, and duties and l of overseers in towns conferred upon superi suits, when to be brought in name of superi

1126. Temporary relief and support of the poor l powers and duties relating to, conferr superintendent.

SECTION 1127. Each superintendent to keep book relating to temporary relief; what to be entered in such book, and to furnish board of supervisors at their annual meeting with certified transcript of entries in such book for the next preceding year.

1128. Board of supervisors to annually publish a statement of all moneys raised during the year for the support of the said county, the amount expended in the towns, &c.

1129. Inconsistent laws repealed.

1130. Provisions of ch. 170, 1863, made applicable to Middletown, Southfield and Castleton, and to the respective superintendents therein.

1131. Inconsistent acts repealed.

1132. Edgewater, board of trustees of the village of, to appoint superintendent of the poor for said village; salary, term of office and powers and duties of such superintendent; county poor-house keeper's duties in respect to paupers sent to poor-house by said superintendent.

1133. New Brighton, board of trustees of village of, to appoint superintendent; salary, term of office, powers and duties of such superintendent.

§ 1123. Chapter nine hundred and fifty-two of the laws of one thousand eight hundred and sixty-seven, entitled "An act to provide for the mode and manner of electing town and other officers at the annual elections to be held in and for the several towns in the county of Richmond," shall be and the same is hereby repealed. Ch. 714, 1870.

§ 1124. There shall hereafter be five superintendents of the poor in the county of Richmond, instead of the number now provided by law, one of whom shall reside in each of the towns in said county. They shall be divided into five classes, of whom one shall hold his office for one year, one for two, one for three, one for four and one for five years, from the first day of January next; Edward Reilly shall be the superintendent of the first class, and hold his office for one year from the first day of January next, and Edward P. Barton shall be the superintendent of the second class, and hold his office for two years from the first day of January next, and the said Edward Reilly shall, for the purposes of this act, be deemed a resident of the town of Castleton, and the said Edward P. Barton, of the town of Southfield, until the expiration of their terms of office. There shall be elected at the next annual election in said county three superintendents of the poor, one of whom shall reside in each of the other towns, and the clerk of said county shall, on the fifteenth day of December next, determine by lot which of said three superintendents shall hold his office for three, which for four, and which for five years, and there shall annually thereafter be elected one person to fill the office of the superintendent whose term expires on the

Number and classification of superintendents of Richmond county

Their election and terms of office.

first of January next ensuing, and who shall reside in the same town. § 1, ch. 170,* 1862.

Overseer
of poor
abolished.

§ 1125. The office of overseer of the poor in said county is hereby abolished, and all of the powers, duties and liabilities which now are or hereafter may be conferred or imposed upon the overseers of the respective towns are hereby vested in and conferred upon the superintendents of the poor residing in said town, and all suits and proceedings authorized to be instituted or prosecuted by such overseers shall be instituted or prosecuted by such superintendent in his name of office. § 2, same ch.

Duties of
overseers
and jus-
tices con-
ferred on
superin-
tendents.

§ 1126. The powers and duties of the overseers and of justices of the peace of the several towns in said county, in relation to temporary relief and the support of the poor, are hereby conferred upon the superintendent of the poor residing in such town, and the powers of justices of the peace to act in such cases are hereby abolished. § 3, same ch.

Superin-
tendent to
keep an
entry of all
relief
granted.

§ 1127. Each of the said superintendents of the poor shall keep a book in which he shall enter the name, age, sex and native country of every person to whom temporary relief shall be granted by him, and the date thereof, and the amount expended for each and every such person, and stating the causes, direct or indirect, which shall have operated to render such person a pauper. Each of the said superintendents shall furnish the board of supervisors, at their annual meeting, with a certified transcript of the entries in such book for the next preceding year. § 4, same ch.

Superin-
tendents
to report
to super-
visors.

Supervi-
sors to
publish
statement.

§ 1128. The board of supervisors of said county shall, in addition to the statements now required from them by law, annually publish a statement of all moneys raised during the year for the support of the poor of said county, the amount expended in the several towns for temporary relief, and the amount allowed each superintendent for fees and services, and for this purpose the board of superintendents of the poor shall furnish the supervisors, at their annual meeting, with a true statement of all moneys expended by them. § 5, same ch.

Superin-
tendents
to furnish
state-
ments of
amounts
expended
by them.

§ 1129. All laws inconsistent with this act are hereby repealed. § 6, same ch.

Ch. 170,
1862, made
applicable
to Middle-
town, &c.

§ 1130. All the provisions of chapter one hundred and seventy of the laws of eighteen hundred and sixty-two, entitled "An act relating to superintendents of the poor and temporary relief in Richmond county," are hereby

* An act relating to superintendents of the poor and temporary relief in Richmond county. Passed April 10, 1862; three-fifths being present. By ch. 330, 1870 (see post, § 1130), all the provisions of said ch. 170, 1862, are made applicable to the towns of Middletown, Southfield and Castleton, in said county, and to the respective superintendents of the poor therein.



RELIEF OF THE POOR.

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applicable to the towns of Middletown, Southfield and Castleton, in said county, and to the respective superintendents of the poor therein. § 1, ch. 330,* 1870.

31. All acts and parts of acts, in so far as they are consistent with the provisions of this act, are hereby amended. § 2, same ch.

32. The board of trustees shall have power and it shall be their duty to appoint one superintendent of the poor for said village [of Edgewater], whose salary shall be fixed by the board, not exceeding five hundred dollars per annum. Said superintendent shall hold office one year, subject, however, to removal at any time by the board of trustees. Such superintendent shall have the powers as are now possessed by superintendents of the poor in the county of Richmond; and, in addition thereto, said superintendent shall render to the board of trustees, monthly, an account of all his acts as such superintendent, and of all moneys disbursed by him, and of all relief orders given out during said month. No person, after the passage of this act, shall have power to act in any manner as superintendent of the poor within said village, except the superintendent to be appointed as aforesaid. The keeper of the county poor-house shall be and support, at the expense of the county, all the poor sent by said superintendent of the village. § 18, ch. 214, 1866, as amended by § 12, ch. 517, 1867.

Appointment of superintendent of poor for Edgewater village; his powers and duties.

33. The board of trustees [of the village of New Brighton] shall have power, and it shall be their duty, to appoint one superintendent of the poor for said village, whose salary shall be fixed by the board, not exceeding five hundred and fifty dollars per annum. Said superintendent shall hold office one year, subject, however, to removal at any time by the board of trustees. Such superintendent shall have the same power and duties as are now possessed by superintendents of the poor in the county of Castleton, and, in addition thereto, said superintendent shall render to the board of trustees, monthly, an account of all his acts as such superintendent, of all moneys disbursed by him, and of all relief orders given out during said month. No person, after the passage of this act, shall have power to act in any manner as superintendent of the poor within said village, except the superintendent to be appointed as aforesaid. Sub. 18, ch. 519, 1866.

Duty of poor-house keeper.

Superintendent of poor of village of New Brighton.

Powers and duties of.

* In relation to the superintendents of the poor in the towns of Southfield and Castleton, in Richmond county, and their duties. Passed April 21, 1870; three-fifths being present.

CHAP. XLI.

ROCKLAND COUNTY.*

SECTION 1134. Town excise commissioners to pay over penalties collected by them to supervisor for support of the poor.

1135. Costs and expenses for prosecutions for penalties, how chargeable.

Town excise commissioners to collect and receive the moneys for penalties, and pay same over to supervisor for support of the poor.

§ 1134. Whenever the board of commissioners of excise [of any of the towns]^b of the county of Rockland shall collect and receive any money for penalties incurred under the provisions of the act entitled "An act to suppress intemperance and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, for violation thereof committed in the several towns of said county, they shall deduct all lawful expenses for collecting such penalties, and pay over, on or before the first day of October in each year, the residue thereof to the supervisors of their respective towns, for the support of the poor in the town in which such penalty or penalties have been collected, paying the money collected in each town to the supervisor of that town. § 2, ch. 436,^c 1866, as modified by ch. 175, 1870.

Costs and expenses for prosecutions for penalties.

§ 1135. The costs and expenses of prosecutions for violation of said act in said county of Rockland shall be chargeable upon the town in which such alleged violation shall have taken place, such costs and expenses to be levied and collected as other town charges are levied and collected. § 3, same ch.

* Chapter 34 of 1836 authorized the superintendents of the poor of Rockland county to raise money, by loan, to purchase a farm or tract of land and erect a poor-house thereon, and prescribed how the money should be raised for the payment of the principal and interest on said loan. Chapter 231 of 1841 authorized the selling, by such superintendents, of not exceeding five acres of the Rockland poor-house farm, and directed the proceeds of such sale to be applied to the purchase of other land, or to the extinguishment of the poor-house debt, as the supervisors should direct.

^b "[Of any of the towns]" inserted so as to make the section comply with the modification made thereof by ch. 175, 1870.

^c An act to amend section five, chapter six hundred and twenty-eight, of session laws, passed April sixteenth, eighteen hundred and fifty-seven, to suppress intemperance and to regulate the sale of intoxicating liquors, passed April 7, 1866, three-fifths being present. Section 1 of said act has been greatly modified, if not entirely superseded, by chapter 175 of 1870 (see post), and is as follows, viz.:

§ 1. The board of commissioners of excise in and for the county of Rockland is hereby authorized to pay the money received by them for licenses, over and above the amount required by law to be paid for the benefit of the Inebriate Asylum at Binghamton, on or before the first day of October in each year, to the supervisors of the respective towns in which the person or persons reside, who have paid the same, to be applied by said supervisors for the support of the poor in said towns, paying the moneys received in each town to the supervisor of that town.

CHAP. XLII.

ST. LAWRENCE COUNTY.

SECTION 1136. Supervisors authorized to change site of poor-house; to sell poor-house farm, etc.

1137. New poor-house site, under what circumstances may be leased by superintendent of the poor, and the rent resulting from such lease to be paid into the county poor fund.

1138. Certain acts of supervisors and county treasurer legalized.

1139. Beggars and vagrants in Ogdensburgh; powers of common council respecting.

§ 1136. The board of supervisors of St. Lawrence county are hereby authorized at any meeting thereof duly convened:

1. To change the site of the poor-house of said county not exceeding four miles from its present location.

2. To sell the present poor-house farm and its appurtenances, and direct the mode of its conveyance, and to apply the proceeds of said sale toward the purchase of a new site for said poor-house, or the erection of buildings thereon for the use of the poor of said county.

3. Upon the lands so purchased to erect a building or buildings for the use of the poor of said county, at an expense not exceeding forty thousand dollars, and to provide for the payment of the said sum by levying a tax upon the taxable property of said county, collecting the whole sum in one year, or in such installments as the said board shall deem most advantageous to the interest of the said county. § 1, ch. 23, 1866.

§ 1137. In case the said board of supervisors shall purchase a new site, and shall not immediately proceed to erect a new poor-house thereupon, the superintendent of the poor of said county, residing at Canton, is hereby authorized to let or lease the same from time to time during the period it shall not be occupied for poor-house purposes, and to pay the rents into the poor fund of said county. § 2, same ch.

§ 1138. The board of supervisors of said county, at a meeting held on the twenty-eighth day of December, eighteen hundred and sixty-five, having instructed Milton D. Packard, Julius M. Palmer and T. Streatfield Clarkson, 2d, a committee appointed by said board, to purchase the farm of Joseph J. Harriman of Canton, in said county, supposed to contain about three hundred and thirty

St. Lawrence county supervisors authorized to change site of poor-house. To sell present poor-house farm.

To erect new buildings, and levy tax for payment.

In what case new site to be leased.

Certain acts of supervisors and treasurer legalized.

acres, at fifty dollars per acre, for the future use of the said county for poor-house purposes, and directed the treasurer of said county to pay for the same with the bonds of the state of New York owned by said county, or with the proceeds of the sale of said bonds to a sufficient amount, the action of said board is hereby declared valid, and the purchase of said farm by said committee, under such appointment and resolution, and the payment for the same by the county treasurer of said county at any time before the passage of this act, are hereby confirmed and declared to be legal and valid, and as binding upon the parties to said contract of purchase, and the conveyance made or which shall be made in pursuance thereof, as if the same were made after the passage of this act. § 3, ch. 23, 1866.

Beggars
and va-
grants in
Ogdens-
burgh.

§ 1139. The common council of [the city of Ogdensburgh] shall have power, in their discretion, to make such regulations as they may deem proper to prevent riots, disturbances and disorderly assemblages; to restrain and punish vagrants, mendicants, common prostitutes, gamblers and disorderly persons, and for the protection of the public property and the regulation and protection of the streets and public highways in said city. Sub. 25, § 21, title 4, ch. 335, 1868.

CHAP. XLIII.

SARATOGA COUNTY.*

SECTION 1140. One overseer in town of Saratoga Springs.

1141. His compensation.

1142. No justice of the peace in said town to be allowed any fees for granting temporary relief.

1143. Vagrants in Mechanicville.

One over-
seer to be
chosen in
Saratoga
Springs.
Compen-
sation of
overseer.

SECTION 1140. Hereafter there shall be chosen but one overseer of the poor, at the annual town meeting, in the town of Saratoga Springs. § 1, ch. 53,^b 1865.

§ 1141. The said overseer of the poor shall receive for his services the sum of two hundred dollars per annum, in lieu of the compensation now allowed by law, which

* For chapter 208 of 1843, entitled "An act authorizing the board of supervisors of the counties of Herkimer, Tioga and Saratoga, to restore the distinction between county and town poor," passed April 18, 1843, see ante sections 223 and 224.

^b An act in relation to the temporary relief of the poor in the town of Saratoga Springs, in the county of Saratoga, passed Feb. 27, 1865, three-fifths being present.

be levied, collected, and paid in the manner now ded by law in respect to other town accounts; but overseer shall not be entitled to receive any such ensation until he shall have made a detailed report, quired by law, of the moneys received and expended m. § 2, ch. 53, 1865.

142. Hereafter no allowance shall be made to any e of the peace of said town for granting any order e temporary relief of the poor of said town. § 3, ch.

Tempo-
rary relief.

143. It shall be the duty of the trustees [of the vil- of Mechanicville] and they shall have power and onty to apprehend and punish idlers, vagrants, and derly, boisterous, riotous or unruly persons unneces- y congregated upon the sidewalks and corners, or in street or alley of said village, and persons disturbing public assembly. Sub. 5, § 3, title 5, ch. 786, 1870.

Vagrants
in Mechan-
icville.

CHAP. XLIV.

SCHENECTADY COUNTY.*

103 1144. No superintendent of the poor to be elected in Sche- nectady county until 1856.

1145. One superintendent to be elected in 1856, and every three years thereafter.

1146. His term of office, and powers and duties.

1147. Vacancy in office of superintendent, how supplied, and for how long time appointee to hold the office.

ction 4 of title 2, chapter 385, 1862, which is as follows, viz.: "The received by the excise commissioners of Schenectady county for e granted to persons resident in said city, shall be paid by said com- mers within ten days after the receipt thereof by them, to the treas- of the city of Schenectady, and shall be applied by said city to the sup- of its poor, except one-tenth part thereof, which one-tenth shall be y said commissioners to the treasurer of the county of Schenectady, w same shall by him be paid over to the treasurer of the New York eebriate Asylum," was modified by section 1, ch. 308 of 1863, entitled rt to apply the excise moneys collected in the county of Schenectady, support of the poor of the city or town in said county from which e shall be collected," passed April 29, 1863, three-fifths being present: aid last-mentioned section is as follows, viz.: "The board of com- ers of excise of the county of Schenectady shall, after deducting for w York State Inebriate Asylum ten per cent of the moneys collected u for licenses granted by them according to the provisions of the act d "An act to suppress Intemperance and to regulate the sale of Intox- liquors," passed April sixteenth, eighteen hundred and fifty-seven, this twenty days after the receipt of such moneys by them, pay to the w of the city of Schenectady, for the support of the poor of said city, out of the said moneys received by the said board of commissioners u for licenses granted by them to persons doing business in the city eectady; and the said board shall, within the same time, pay to the e of the poor of each town in said county, for the support of the said town, the moneys received by the said board for licenses from u doing business in the same town; any acts or parts of acts to the e notwithstanding," and both of said sections are greatly modified or ed by chap. 175 of 1870, entitled "An act regulating the sale of uing liquors." (See post.)

SECTION 1148. Oaths, superintendent authorized to administer; false swearing declared perjury.

1149. Poor-house keeper and physician to be appointed and when such appointments to take effect.

1150. County superintendents not to be interested in contracts.

1151. One overseer of the poor in Schenectady to be appointed.

1152. His term of office.

1153. Indigent persons in Schenectady, how to be relieved and supported.

1154. Powers and duties of Schenectady overseer.

1155. Schenectady city board of magistrates to have the powers and duties of overseers in towns, relative to the applications of poor persons for relief, and police justice to be chairman of such board.

1156. Certain fines to go to the support and maintenance of the poor of the city of Schenectady.

Election of Schenectady county superintendent suspended.

SECTION 1144. No superintendent of the poor shall be elected in the county of Schenectady until the general election in the year one thousand eight hundred and fifty-six; nor shall any superintendent of the poor be appointed in said county to fill any vacancy prior to such election, so long as one of the present incumbents shall continue in office. § 1, ch. 257,* 1854.

One superintendent for county.

§ 1145. After the year one thousand eight hundred and fifty-six there shall be but one superintendent of the poor of the county of Schenectady, who shall be elected at the general election in November of that year; and thereafter, there shall be one superintendent of the poor elected every three years in said county, except it shall be necessary to elect one sooner to fill a vacancy. § 2, same ch.

Term of office.

§ 1146. Every superintendent of the poor elected under this act shall hold his office for three years, and shall have all the powers and be subject to all the provisions of law then applicable to superintendents of the poor except as hereinafter provided. § 3, same ch.

Vacancy

§ 1147. In case a vacancy shall happen in the office of any superintendent elected under this act, the board of supervisors of the county of Schenectady shall appoint a person to fill such vacancy, who shall hold his office until the first day of January after his appointment, and until a successor shall be elected and duly qualified to serve. § 4, same ch.

May administer oaths.

§ 1148. Every superintendent of the poor of the county of Schenectady shall have power to administer oaths to any person applying for relief, as to all matters touching

* An act relative to the support of the poor in the county of Schenectady, passed April 15, 1854; three-fifths being present.

such application, and willful false swearing under this section is hereby declared to be perjury. § 5, ch. 257, 1854.

§ 1149. The keeper of the poor-house and the physician to the poor-house shall, after the passage of this act, be appointed by the board of supervisors of said county; such appointments to take effect on the expiration of the term of office of the present incumbents respectively. § 6, same ch.

Keeper
and phys-
ician of
poor-
house.

§ 1150. No superintendent of the poor of the county of Schenectady shall be directly or indirectly interested in any goods, wares or merchandise, provisions, clothing or any other article or thing whatever, furnished, ordered or contracted for by him or them for the use of the county poor-house or the poor therein, or the keeper thereof. § 7, same ch.

Not to be
interested
in con-
tracts.

§ 1151. The common council of the city of Schenectady shall appoint one overseer of the poor, which officer shall be appointed on the first Tuesday in May, unless the common council shall otherwise order. Part of § 1, title 2, ch. 385, 1862.

Overseer
in Sche-
nectady.

§ 1152. [The term of office of overseer of the poor shall be one year, and shall commence with the second Tuesday of May.] Part of § 2, same title.

Term of
office.

§ 1153. Indigent persons and such others as shall be entitled to relief under the laws of this state, who are or shall become chargeable or likely to become chargeable to said city, being in said city, shall continue to be supported and relieved in the same manner provided by law in respect to the county of Schenectady, except as herein otherwise provided. § 1, title 9, ch. 385, 1862.

Indigent
persons in
Schenec-
tady.

§ 1154. The overseer of the poor to be appointed under this act shall possess all the powers and perform all the duties, and be subject to all the provisions of law conferred or imposed upon or applicable to overseers of the poor in the several towns of this state, except in relation to applications for relief by or the granting relief and support, whether permanent or temporary, to indigent persons, and except as may be otherwise inconsistent with the provisions of this act. § 2, same title.

Overseer's
powers.

§ 1155. The board of magistrates shall have and exercise all the powers and discharge all the duties of overseers of the poor of the several towns of this state in relation to all applications of poor persons for relief or support, and as to granting or withholding the same, subject to the direction and control of the common council. The police justice shall be chairman of the board of magistrates, and as such it shall be his duty to take the examination of all persons applying for relief, and shall carry out the decision of the board of magistrates there-

Board of
magis-
trates and
their
duties.

on. In the absence of the other members of the board he shall have power to decide upon such applications, make such order, and grant such relief, as the circumstances of each case warrant and require. And the common council may, by resolution or ordinance, impose duties upon said board of magistrates and police relative to the poor of said city and the mode and time of granting relief, and the terms and conditions thereof as to said common council shall seem proper, with penalties as shall be consistent with this act; and declare any order issued for the relief of any poor person void and uncollectible, if any part of it shall be directly or indirectly, in spirituous or fermented liquors.

Certain
fines to go
for benefit
of the
poor.

§ 1156. All fines imposed under [sections 5, 6, 7, 8 and 9 of title 10 (entitled Public Health), of chapter 385 of the laws of 1862], shall belong to the city, and when collected be paid into the city treasury, and be devoted to the maintenance and support of the poor of said city.

CHAP. XLV.

SCHOHARIE COUNTY.

CHAP. XLVI.

SCHUYLER COUNTY.

SECTION 1157. Poll tax levied upon indigent person, when not remitted by trustees of village of Watkins.

Remission
of poll
taxes in
Watkins.

§ 1157. The trustees of the village of Watkins have power to remit any poll tax levied upon any indigent person who is sick, lame or infirm, and to discharge

^a Section 4 prescribing how certain excise moneys in the hands of Schenectady county excise commissioners should be disposed of, title 9 of ch. 385, 1862, was modified by section 1 of ch. 308, 1863, and modified or superseded by ch. 175 of 1870, entitled "An act regulating the sale of intoxicating liquors," and is therefore omitted. See post, 1564.

^b By chapter 189 of 1843 the superintendents of the poor of Schoharie county were authorized to sell a part of the poor-house farm of said county and to appropriate the proceeds of such sale for the purchase of a lot for the benefit of the residue of said farm.



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in the payment thereof; and also to discharge any judgment which may have been recovered against such indigent person, who is sick, lame, or infirm, without payment thereof. § 4, title 8, ch. 125, 1861.

CHAP. XLVII.

SENECA COUNTY.*

Section 1158. One overseer to be elected in each of the towns of Seneca county, and to hold his office for two years.

1159. His term of office, when to commence.

1160. Accounts of superintendent, overseers, etc., to be audited by board of supervisors.

1161. Contracts for supplies for the poor; powers of supervisors respecting.

1162. Superintendents constituted a subordinate board of audit, and to be under control of board of supervisors.

1163. Such superintendents not to be interested in contracts, &c.; accounts to be made out in items.

1164. Such superintendents to account under oath annually to board of supervisors.

1165. Each overseer to keep book of receipts, disbursements, &c., and to furnish supervisor of the town with transcript of entries in such book.

1166. Supplies for the county poor-house and temporary relief; powers of board of supervisors and duties of superintendents and overseers respecting.

1167. Meeting at county poor-house of the committee of the board of supervisors on accounts of superintendents and overseers of, when to be held; chairman of such committee, and checks upon county treasurer for bills audited.

1168. Inconsistent acts repealed.

1169. Chapter 145, laws of 1868, when to take effect.

§ 1158. There shall be hereafter elected in the several towns of the county of Seneca only one overseer of the poor of said towns respectively, and that such overseers so hereafter elected shall hold their said office for the term of two years. § 1, ch. 96, 1858.

Overseers
in Seneca
county.

§ 1159. The term of office of all overseers of the poor elected under this act shall commence on the first day of December next after their election. § 2, same ch.

For chapter 156 of laws of 1848, entitled "An act to authorize the supervisors in any of the several counties therein named to restore the distinction between town and county poor," passed April 4, 1848, see § 229, ante. said chapter Seneca county is one of the counties named.

Duty of board of supervisors in respect to accounts of overseers and superintendents.

§ 1160. The board of supervisors of the county of Seneca shall hereafter, at their annual meeting, audit and settle all accounts of the superintendents of the county poor-house of said county, the accounts of the overseers of the poor of the several towns of said county, for services and expenses incurred by them for the temporary relief of the county poor of said county, and the accounts of all other persons for like services rendered, or for supplies furnished, and for medical attendance by physicians for the poor, chargeable to said county. § 1, ch. 145,* 1868.

Contracts may be made for supplies.

§ 1161. The board of supervisors for said county shall have power to contract with any person or persons for supplies to be furnished to the poor, chargeable to said county as county paupers of said county. § 2, same ch.

County superintendents to be subordinate board of audit.

§ 1162. The superintendents of the poor of said county of Seneca are hereby constituted a subordinate board to assist in auditing the poor expenses of said county, and shall be under the direction and control of the board of supervisors of said county. § 3, same ch.

Poor officials not to be interested in supplies furnished, etc.

§ 1163. The superintendents of the poor of said county, the keeper of the county poor-house, and the overseers of the poor of the towns in said county, shall not, nor shall either of them, be directly nor indirectly interested in any supplies furnished or ordered by them, or either of them, and no accounts shall be audited by said board of supervisors for services rendered or supplies furnished for the poor of said county, unless the same shall be made out in items, with dates, stating the time and nature of the services rendered, the quantity and quality of the articles furnished, and the time when the same were delivered, duly verified according to the form prescribed by law, applicable to accounts audited by boards of supervisors. § 4, same ch.

Accounts; how to be made out and verified.

Annual statement of moneys received to be made by superintendents of the poor.

§ 1164. The superintendents of the county poor of said county shall, in each year, render under oath to the board of supervisors of said county, at its annual meeting, a true and faithful statement of all moneys received by them from said county, and from the commissioners of emigration for the support of county paupers, of all the products raised on the county farm belonging to the said county poor-house, and of the disposition which has been made of the same, and of all labor which has been performed by the county paupers, or of any property belonging to the county, with the manner in which, and the persons for whose benefit, the same has been performed. § 5, same ch.

* "An act to regulate the expenditures for poor purposes in Seneca county." Passed April 4, 1868.

§ 1165. It shall be the duty of each overseer of the poor in said county of Seneca to enter in a book, to be by him kept for that purpose, a full and accurate statement of all sums of money by him received or expended as such overseer of the poor, with the date of the receipt and disbursement thereof, the name, age and sex of each poor or indigent person relieved by him, and the cause of pauperism or indigence in each case, so far as the same can be ascertained, and the items of expenditure in the relief of each such poor or indigent person. It shall be the duty of each of said overseers of the poor to make and furnish the supervisor of his town, within one week preceding the annual meeting of the board of supervisors, a just and accurate transcript of all the statements and entries so required to be made by him, for the year ending on the last day in October in each year; and it shall be the duty of such supervisor to whom such statement shall be furnished, to deliver the same to the clerk of the board of supervisors of said county, on or before the first day of the meeting of said board in each year. § 6, ch. 145, 1868.

Duties of overseers of the poor in keeping record book.

Annual statement to be made to supervisor.

Supervisor to deliver statement to clerk of board of supervisors.

§ 1166. The board of supervisors of said county shall have power to direct, by resolution, to be entered on its minutes, in relation to, and the manner in which, the supplies for the county poor-house, or any portion thereof, shall be purchased, obtained or contracted for, and also as to the amount and manner of affording temporary relief by the overseers of the poor of the several towns in said county, and when any such direction shall be given by said board of supervisors, the same shall be observed and carried out by the said superintendents and overseers of the poor. § 7, same ch.

Board of supervisors may direct manner in which supplies shall be purchased.

Temporary relief.

§ 1167. The committee of the board of supervisors, appointed at their annual session, on the accounts of superintendents and overseers of the poor, shall, on the first Wednesday in March in each and every year, meet at the county poor-house with the superintendents of the poor, and the superintendents and said committee of the supervisors shall jointly constitute an auditing board to audit and settle all accounts for temporary relief furnished to the poor outside of the poor-house, from the first day of November preceding the time of meeting of said auditing board. The said auditing board shall elect one of their number chairman, and also a clerk from their own number; and the said clerk shall, under the direction of the board, draw checks upon the county treasurer for all bills audited, which shall be paid by the county treasurer, the same as checks drawn by order of the board of supervisors. § 8, same ch.

Joint board to audit accounts for temporary relief.

Officers of auditing board.

Poor checks: how to be drawn and paid.

Repealing
clause.

§ 1168. All provisions of law, so far as they are inconsistent with the provisions of this act, are hereby repealed. § 9, ch. 145, 1868.

§ 1169. This act shall take effect on the first day of November, eighteen hundred and sixty-eight. § 10, same ch.

CHAP. XLVIII.

STEUBEN COUNTY.*

SECTION 1170. Superintendents of Steuben county authorized to purchase certain lands and sell certain other lands provided supervisors authorize the same.

1171. Objects of the "Davenport Institution for Female Orphan Children."

1172. Who to be supported and educated at such institution; duty of superintendents of the poor in certain cases.

1173. Trustees of such institution, limited in their power to contract debts and in their expenses; property of institution exempt from execution.

1174. Statement of such property to be made and filed.

1175. Property exempt from taxation.

1176. Funds of such institution when and under what circumstances may be received on loan by Steuben county supervisors.

1177. Such board of supervisors may appoint two of the trustees of such institution; duties in respect to such institution.

1178. Such institution authorized to take by gift, grant, bequest or devise.

1179. Certain excise moneys to be paid to the treasurer of the Hornell Library Association of Hornellsville.

1180. Such treasurer in December in each year, to make sworn report of all such moneys received by him and file the same with Steuben county clerk.

1181. Such moneys to be paid out on order of managers of such association, and such order to specify the purpose thereof.

1182. Penalties for misapplication of such moneys.

1183. Treasurer of such association to execute bond with sureties; form of such bond and how to be approved.

1184. When managers of such association authorized to prosecute for fines and penalties under the excise law.

Lands may
be bought
and sold
under di-

SECTION 1170. The superintendents of the poor of the county of Steuben are hereby authorized to purchase,

* For chapter 163, of 1844, entitled "An act authorizing the Board of Supervisors of the counties of Jefferson, Chautauqua, Cattaraugus, Otsego, and Steuben, to restore the distinction between county and town poor," see ante, §§ 225, 226.

hold one or more tracts of land, not exceeding hundred acres in addition to the lands now held by and to sell and convey so much of the lands now in them in the town of Bath, in said county, as is as the wood lot. But the said superintendents of the poor shall not make such purchase or sale unless ordered by the supervisors of said county shall, at some or special meeting, order and direct the said superintendents of the poor to make the same. § 1, ch. 449,^a

1. The objects and purposes of the "Davenport Institution for female orphan children" are hereby declared to be to feed, clothe and educate orphan female children. 132, 1863.

Davenport
institution.

2. Orphans to be supported and educated at such institution shall be preferred and selected in the following order, viz.: first, orphans who are inhabitants of the county of Steuben shall have a preference in their application for admission into such institution; second, orphans who are inhabitants of Allegany county in this state; third, orphans who are inhabitants of any other county in this state; but no child shall be received into such institution, unless the officers of said institution are satisfied that she is of sound body and mind; and if any child has been received into such institution shall be found to be incapacitated, in the judgment of its officers, for support, it shall be the duty of the superintendents of the poor of the county from whence the child was received to cause her to be removed from such institution, to receive and to take care of her as one of the poor of such county. § 4, same ch.

Who to be
supported
at such in-
stitution.

3. The trustees of said corporation shall not have power to contract any debt, or to expend in any year more than the income or yearly revenue from the corporation of said institution, and the property, real and personal, of said corporation shall be forever exempt from any debts purporting to have been contracted by the trustees thereof, nor shall such property be used for any other purposes than the education and support of orphan children who may be received into said institution, nor shall it be incumbered by the trustees of said corporation by mortgage or otherwise. § 5, same ch.

Duty of
superin-
tendents
of the poor
in certain
cases.

Prohibi-
tion on
trustees.

4. It shall be the duty of the trustees of said corporation to cause an annual statement of the property of said corporation to be made from time to time, and at least once in three

Exemp-
tion of
property
from sale.

Statement
of exempt
property.

^a to authorize the superintendents of the poor of Steuben county to hold, and to sell and convey, certain real estate, passed April three-fifths being present. By chapter 173 of 1841 the superintendents of Steuben county were authorized to exchange a part of the poor farm for other land. By chapter 330 of 1844 such superintendents were also authorized to sell certain lands and to buy other lands for the county poor-house farm.

years, to cause a statement to be made under the corporate seal, describing the property so exempted, and file and record the same in the office of the clerk of the county of Steuben, in the book of miscellaneous records of said county. § 6, ch. 132, 1863.

Exemption from taxation.

§ 1175. The real and personal property of said corporation, to the extent it is authorized to hold the same, is hereby exempted from taxation for state, county, town, and village or municipal purposes, except for local improvements. § 7, same ch.

Supervisors may receive funds of institution and pay interest thereon.

§ 1176. The board of supervisors of the county of Steuben may, from time to time, by a vote of two-thirds of the members thereof, receive from the trustees of the corporation hereby created a part or the whole of the funds belonging to said institution for any length of time, provided said county shall pay to said trustees seven per cent per annum interest upon such loan which the said board of supervisors are hereby authorized to do, until the principal shall be paid, such interest to be a part of the yearly revenue of said institution. § 8, same ch.

Supervisors may appoint two trustees.

§ 1177. The board of supervisors of said county of Steuben may appoint two trustees for said institution to act with the other trustees of the same, and whose further duty it shall be to examine into the affairs and progress of said institution, and to make an annual report as to its situation and progress for publication; and no part of the funds of said corporation shall be used to pay its trustees, inspectors or officers, except when, by a vote of at least seven of its members, it shall decide such payment to be necessary for the welfare of the institution. § 9, same ch.

Ira Davenport may devise, &c., his estate to said corporation.

§ 1178. The said Ira Davenport is hereby authorized and empowered to give, grant, devise and bequeath to the aforesaid corporation, by his last will and testament, or otherwise, any such portion of his estate as he may choose so to give, grant, devise or bequeath, any existing act or statute to the contrary notwithstanding, and the said corporation may take, hold and manage any property so devised and bequeathed to it on such terms and conditions, not inconsistent with the laws of the state, as may have been prescribed by the donor. § 10, same ch.

Excise board to pay certain moneys to the Hornell Library Association.

§ 1179. The board of commissioners of excise of Steuben county shall, within ten days after the receipt thereof, pay, or cause to be paid, to the treasurer of the Hornell Library Association of Hornellsville, all moneys received by them, or either of them, for licenses granted by said board within the town of Hornellsville, under and by virtue of an act to suppress intemperance and regulate the sale of intoxicating liquors, passed April six

teenth, eighteen hundred and fifty-seven, instead of paying the same to the county treasurer of Steuben county, as now provided by said act. And all moneys received by said board of commissioners of excise, or either of said commissioners, from penalties or fines for the violation of said act to suppress intemperance and regulate the sale of intoxicating liquors, passed April sixteenth, eighteen hundred and fifty-seven, within the town of Hornellsville, shall also be paid by said board of commissioners of excise, or either of said commissioners of excise, to the said treasurer of the Hornell Library Association, within ten days after the receipt thereof by them, or either of them. And all moneys and fines received, or paid to any officer of the county of Steuben, for violation of any of the provisions of chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, shall be by such officer paid to the said treasurer of the Hornell Library Association within ten days after the receipt thereof by such officer. § 1, ch. 549.* 1869.

§ 1180. The said treasurer of the Hornell Library Association shall, during the month of December of each year, make and file a report with the clerk of Steuben county, to be by him subscribed and sworn, showing the amount of moneys received under this act, and the persons from whom he received the same, and the amount so received from each person during the year ending with date of said report, and also the date, amount, nature of and to whom said moneys, or any part thereof, received by him under this act, shall have been paid out, and by what authority said payments were made. § 2, same ch.

Annual report of treasurer of association.

How file

§ 1181. Said moneys so received by the treasurer of the Hornell Library Association shall be paid out upon the order of the managers of said Hornell Library Association, duly authorized by at least five of said managers, at a legal meeting of said managers; such order shall show for what purpose said moneys, or any part thereof, are drawn, to be stated therein at large, and shall be signed by at least five of said managers present at the meeting thereof, and attested by the seal of said association. Such moneys shall only be used by said association for the purposes authorized by the act under which said association is incorporated. § 3, same ch.

Money to be paid out on order of managers

For what purposes

§ 1182. Any manager of said Hornell Library Association, who shall knowingly and willfully vote to apply,

Penalty for misapplication of money.

* An act for the relief of the Hornell Library Association, passed May 4, 1869, three-fifths being present. This act has been modified by chapter 173, 1898, entitled "An act regulating the sale of intoxicating liquors." See post.

or shall apply, or cause to be applied, any of the moneys received by virtue of this act in any other manner than authorized by law, or who shall know of such application, and shall not immediately disclose the same to the district attorney of Steuben county, shall be guilty of a misdemeanor, and shall be punished, by any court having jurisdiction, by imprisonment not exceeding one year, and a fine double in amount of the money so applied, or either or both such imprisonment and fine, in the discretion of said court; and such manager or managers shall also be liable in a penalty of three times the amount of money so applied, to be sued for and recovered by the supervisor of the town of Hornellsville for the benefit of the poor of said town, and all fines imposed for the violation of this section shall be for the benefit of the poor of said town. § 4, ch. 549, 1869.

Fines for benefit of Hornellsville town poor.

Treasurer of association to execute bonds.

How approved and filed.

Penalties or fines, how prosecuted.

§ 1183. The treasurer of said Hornell Library Association shall, during the month of April in each year, and before any moneys shall be paid to him under and by virtue of the provisions of this act, execute a bond to the people of this state, with two sureties, in the sum of three thousand dollars, conditioned for the faithful discharge of his duties under this act. Said bond shall be duly acknowledged by said treasurer and sureties, and justified to by said sureties, and approved by the county judge of Steuben county as to manner and form of execution and sufficiency of sureties thereto, and be filed with the clerk of Steuben county. § 5, same ch.

§ 1184. In case the said board of commissioners of excise of Steuben county, or either of said commissioners, shall fail to prosecute for the penalties or fines incurred by any person or persons for a violation of any of the provisions of said chapter six hundred and twenty-eight of the laws of eighteen hundred and fifty-seven, within the said town of Hornellsville, for ten days after notice thereof in writing has been given any member of the said board of excise, it shall be lawful for the said managers of the Hornell Library Association to prosecute, recover and collect such penalties or fines in the name of the Hornell Library Association, in the same manner and with like effect as if said penalties or fines had been prosecuted for by said board of commissioners of excise; and the moneys received therefor shall, within three days after the receipt of the same, be paid by said managers, or either of them having the custody thereof, to said treasurer of the Hornell Library Association; and in case the said managers or either of them shall fail to pay said moneys to the said treasurer of the Hornell Library Association within the time last aforesaid, they shall be

guilty of a misdemeanor, and shall be punished in the same manner and liable to the same pains, penalties and fines as prescribed in section four of this act; and for all moneys received by said treasurer he shall give his receipt therefor to the person so paying it. § 6, ch. 549, 1869.

CHAP. XLIX.

SUFFOLK COUNTY.

- SECTION 1185.** Accounts of overseers of the poor in Suffolk, Livingston and Yates counties, how to be audited, by whom, and duties of auditors.
1186. Such accounts when audited to be entered in a book by town clerk, and such entries read at the opening of the next annual town meeting.
1187. Statement of accounts audited to be by town clerk delivered to supervisor, and such supervisor to pay the same.
1188. Repeal of certain repugnant provisions of chapters 11 and 12, part 1, R. S.
- 1189, 1190. Dredging for oysters, clams, mussels or shells in South bay prohibited.
1191. Taking from beds regulated.
1192. Penalties for violations; possession of drag or dredge to be evidence of intent to use.
1193. Not to take after the 15th June and before the 15th September.
1194. Violations of act deemed misdemeanor, and persons guilty thereof, how punished.
1195. Additional penalties.
1196. Offenders, how to be prosecuted; part of certain penalties when collected go to, and to be paid over to, overseer of the poor for benefit of the poor.
1197. Inconsistent acts repealed.

SECTION 1185. From and after the first day of May next the supervisor, town clerk and justices of the peace, or any two of said justices of the peace of the several towns in the counties of Yates, Suffolk and Livingston, shall, at their annual meeting for the purpose of auditing accounts of the overseers of the poor for moneys received or disbursed by them, examine and audit the accounts of all charges and claims, payable by their respective towns, and shall state on each account the amount allowed them. § 1, ch. 276,* 1831.

Accounts of overseers in Suffolk, Yates and Livingston counties, how to be audited.
Duties of auditors of such accounts. See ante, §§ 40, 41.

* An act relative to the auditing of town accounts in the counties of Yates, Suffolk and Livingston. Passed April 25, 1831.

Accounts audited to be entered by town clerk, and such entry to be read at town meeting.

§ 1186. The town clerk shall enter the accounts, so audited, in a book to be by him provided for that purpose at the expense of the town, in which entry he shall state the name of the person or persons in whose favor the account is drawn, the nature of the demand, and the amount of such accounts, and the said entry shall be read at the opening of the next annual town meeting thereafter, by the presiding officer or clerk of such meeting. § 2, ch. 276, 1831.

Statement of accounts audited to be delivered by town clerk to supervisor, and such supervisor to pay, &c.

§ 1187. Immediately after the said accounts shall have been so audited, the town clerk shall deliver to the supervisor of the town a statement of the same, with the amount allowed thereon; and the said supervisor shall pay the said amount to the persons entitled thereto, out of any money which may be in his hands for that purpose, as now provided by law. § 3, same ch.

Repeal of inconsistent provisions of R. S.

§ 1188. So much of chapters eleven and twelve of the first part of the Revised Statutes as may be repugnant to this act is hereby repealed. § 4, same ch.

Use of dredge or drag prohibited in South bay.

§ 1189. No person shall catch or take any oysters, clams, mussels or shells in the waters of the South bay, in Suffolk county, with a dredge or drag. § 1, ch. 234,* 1870.

§ 1190. No person shall have in his possession or use a dredge or drag in the waters of the South bay, for the purpose of catching or taking oysters, clams, mussels, shells, or any substance growing on the bottom. § 2, same ch.

Taking from private beds regulated.

§ 1191. No person shall take any oysters, clams, mussels or shells, or any substance growing on the bottom from any public or private bed, or in any of the waters of the said South bay, except between sunrise and sunset on any day. § 3, same ch.

Penalties for violations.

§ 1192. Every person who shall use any dredge, drag, rake or tongs in the waters of the South bay after sunset at evening, and before sunrise in the morning, shall be deemed guilty of a violation of the provisions of the last preceding section. When any person or persons shall be found on the waters of the South bay with a drag or dredge in his or their possession, such possession shall be prima facie evidence of an intent to use the same in violation of the provisions of this act. § 4, same ch.

Possession of drag or dredge to be evidence of intent to use.

Time for taking oysters, spawn, etc., regulated.

§ 1193. No person or persons shall catch or take any oysters, spawn or seed oysters in the waters of the South bay, after the fifteenth day of June, and before the fifteenth day of September in any year. § 5, same ch.

Penalties for violations.

§ 1194. Every person who shall violate any of the provisions of this act shall be deemed guilty of a misde-

* An act for the preservation of shell-fish in the waters of the South bay, in Suffolk county. Passed April 18, 1870; three-fifths being present.

meanor, and, on conviction, shall be punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. § 6, ch. 234, 1870.

§ 1195. Every person who shall violate any of the provisions of this act shall, in addition to the punishment prescribed by the last preceding section, forfeit the sum of two hundred dollars for each offense. § 7, same ch. Forfeiture.

§ 1196. Any person may, in his own name, prosecute the offender before any justice of the peace of the county of Suffolk, for the penalty prescribed by the last preceding section, for the benefit of himself and the overseers of the poor of the town in which the offense shall be committed, and on a recovery shall be entitled to retain one-half of said penalty, and the other half, after deducting one-half of the expenses of the prosecution, shall be paid by the justice to the overseers of the poor of said town for the support of the poor thereof. § 8, same ch. Prosecution of offenders.

§ 1197. All acts and parts of acts inconsistent with the foregoing provisions are hereby repealed. § 9, same ch. Penalties how applied.

CHAP. L.

SULLIVAN COUNTY.

SECTION 1198. Supervisors authorized to sell poor-house farm.

1199. Deed of such farm, how to be executed, and its effect; supervisors authorized to change location of county poor-house.

1200. County poor-house site; supervisors authorized to purchase and hold real estate for.

§ 1198. The board of supervisors of the county of Sullivan are hereby authorized to sell and convey the real estate held by them in Thompson, Sullivan county, being a farm or lot of land on which the poor-house and other buildings connected therewith are located, when a majority of the board shall deem it expedient so to do. § 1, ch. 296,* 1853. Sale of Sullivan county poor-house farm authorized.

§ 1199. A deed of the same, executed by the chairman of the board of supervisors, and containing a copy of a Deed.

* An act authorizing the sale of the county poor-house of Sullivan county, and for other purposes. Passed May 27, 1853; three-fifths being present. By ch. 29, 1854, the supervisors of Sullivan county were also authorized to sell and convey the poor-house and farm, situate in the town of Thompson, and apply the proceeds of such sale to the purchase of another farm, and the erection of poor-house buildings.

Board of supervisors may change location of poor-house.

resolution authorizing a sale, shall convey all the title to said property which is vested in the supervisors at the time said deed shall be executed. The said board of supervisors shall have power to change the location of the county poor-house of said county without giving the notice or notices, and without complying with any of the requirements and provisions mentioned and contained in the sixth section of the act entitled "An act to vest in the board of supervisors certain legislative powers, and to prescribe the fees for certain services," passed April three, eighteen hundred and forty-seven. § 2, ch. 296, 1853, as amended by ch. 383, 1860.

Real estate to be purchased for site of poor-house.

§ 1200. The said board of supervisors are hereby authorized to purchase and hold real estate in the said county for the purpose of a site for a county poor-house, but shall not be authorized to pay a sum exceeding five thousand dollars for the same, and shall have power to raise, by tax upon the tax payers of said county, the said sum. § 3, ch. 296, 1853.

CHAP. LI.

TIOGA COUNTY.*

CHAP. LII.

TOMPKINS COUNTY.

* For ch. 208 of 1843, entitled "An act authorizing the board of supervisors of the counties of Herkimer, Tioga and Saratoga, to restore the distinction between county and town poor," see ante, §§ 223, 224. By ch. 171 of 1853, the supervisors of Tioga county were authorized to raise by tax moneys for the purpose of building two poor-houses in said county. By ch. 296 of 1853, the comptroller was authorized to loan to the said county, not exceeding \$2,000 out of common school fund, to be expended in erecting buildings for the accommodation of the poor of said county, and the supervisors were directed to provide by tax for the payment of such loan and interest.

CHAP. LIII.

ULSTER COUNTY.*

1201. Ulster county treasurer authorized to borrow money on bond or bonds.
1202. Such money to be paid over to superintendents of the poor in installments for the purpose of erecting a county poor-house.
1203. Superintendents authorized also to apply in the erection of such poor-house such sum as may be due from Kingston Mutual Insurance Company on such company's policy of insurance.
1204. The site for such county poor-house; how, by whom and where to be located.
1205. Duty of superintendents to make detailed statements and report the same to supervisors.
1206. Duty of supervisors to levy and assess upon property such sum as will be necessary to pay the bond or bonds issued under ch. 342 of 1853.
1207. Only one overseer to be elected in town of Saugerties; his salary.
1208. His election, when to take place; justice of the peace, when may act as such overseer.
1209. St. Peter's Rondout German Catholic Orphan Association.

§ 1201. It shall be lawful for the treasurer of the county of Ulster to borrow, on the credit of said county, such sum of money, not to exceed three thousand dollars, as may be deemed necessary for the purpose hereinafter mentioned, for a term not exceeding three years, and at a rate of interest as may be agreed on, not to exceed ten per cent per annum, and to execute therefor, under official signature, a bond or bonds, on which the principal and interest shall be made payable in such sums, and at such times and place, as shall be agreed on and expressed therein. § 1, ch. 342,^b 1853.

Ulster county treasurer to borrow money.

§ 1202. It shall be the duty of the said treasurer to pay the said moneys so borrowed over to the superintendents of the poor of said county, in such installments as he shall think fit, to be used for the purpose of erecting a county poor-house in said county; but no subsequent

Money to be paid to superintendents to erect a poor-house.

* ch. 176, 1848, entitled "An act to authorize the supervisors in any of several counties therein named, to restore the distinction between 'land and county poor';" the Ulster county board of supervisors was authorized to restore such distinction. See ante, § 229. Prior to ch. 175 of the county judge and justices of sessions in and for the county of Ulster were under ch. 246, 1846 authorized and empowered to remove any pauper of excise in and for said county for good and sufficient cause. An act to provide for the erection of a county-poor-house in the county of Ulster. Passed June 8, 1853; three-fifths being present.

	installment, after the first, shall be paid until the said superintendents shall have accounted for the moneys already drawn, and those referred to in the next section, to the satisfaction of said treasurer. § 2, ch. 342, 1853.
Sum due from Kingston Mutual Insurance Company, how to be used.	§ 1203. The said superintendent shall be authorized to apply such further sum to the erection of said poor-house as may be due them from the Kingston Mutual Insurance Company, on a policy of insurance on the county buildings recently consumed by fire. § 3, same ch.
Location of site for poor-house.	§ 1204. On notice from the county treasurer that he has taken the necessary steps to raise the said funds, the said superintendents shall proceed to locate the site for said county poor-house, upon the county farm of said county, and not far distant from that occupied by the late poor-house, and to erect suitable buildings thereon for the purposes of the county poor of said county; and they shall have full power to enter into contracts for the construction of the same, or for labor and materials for that purpose; but the entire cost of the same shall not exceed the sum of four thousand dollars. § 4, same ch.
Buildings to be erected.	§ 1205. It shall be the duty of the said superintendents to make a detailed report of all moneys received and expended by them, in virtue of the provisions of this act, and of the progress made in the erection of said buildings, to the board of supervisors of said county, at their next and subsequent annual meeting or meetings, until the same shall be completed and the whole expense paid. § 5, same ch.
Report by superintendents.	§ 1206. The board of supervisors of said county, at their next or any subsequent annual meeting, shall levy and assess, on the real and personal estate of said county, such sum as shall be necessary to pay the bond or bonds of said county, issued under this act, as shall fall due in the next fiscal year; such tax to be collected and paid over in the manner now provided by law. § 6, same ch.
Tax.	§ 1207. There shall hereafter be only one overseer of the poor elected in the town of Saugerties, Ulster county, who shall have the same powers and duties and be subject to the same liabilities that overseers of the poor now by law have, or which may hereafter be conferred upon them. The said overseer of the poor shall receive an annual salary of one hundred and fifty dollars for his services, chargeable to and against the town of Saugerties; and he shall not be entitled to receive, nor be allowed against the town, any fees for services, in addition to his salary, but shall be allowed his expenses. § 1, ch. 126, 1861.
Overseer in Saugerties.	§ 1208. Such overseer of the poor shall be elected by the electors of the town of Saugerties, at the town meeting in said town; and in case of a vacancy in said office,
His salary.	
His election.	

the justice of the peace of said town having the longest term to serve shall act as such overseer of the poor in his place and stead, during such vacancy, or until the next annual town meeting, when such vacancy shall be filled by an election; and he shall be entitled for such services to the fees allowed by law to the overseer of the poor in the several towns of this state, and such fees shall be deducted from the salary of the overseer of the poor. § 2, ch. 126, 1861.

Justice to
act in case
of vacancy.

§ 1209. The essential objects of the St. Peter's Rondout German Roman Catholic Orphan Association shall be for the relief, support, maintenance and education of orphan and destitute children, chiefly of German birth and origin, and the board of managers of said corporation shall be able and capable in law, and they are hereby empowered to receive and take charge of any such child or children deprived of one or both parents, or children whose parents, though living, are incompetent or unable to support them, by and with the consent in writing of such parent or guardian, and not without such consent. § 4, ch. 295, 1863.

German
Catholic
Rondout
Orphan's
Association.

CHAP. LIV.

WARREN COUNTY.*

* By § 2, ante, the expense of maintaining the poor in Warren county is made a county charge. By ch. 118 of 1859 the overseers of the poor of the town of Queensbury were directed to pay over certain moneys to the Warren county treasurer, to be placed to the credit of said town, and applied to the payment of the money to be raised by said town for the support of the county poor; and by ch. 175 of 1859 such overseers were authorized to sell a certain lot of land, whenever authorized to do so by the vote of the inhabitants of said town, at an annual or special town meeting; and by ch. 1 of 1860, the overseers of the poor of the town of Queensbury were also authorized to sell a certain lot of land, and directed to pay the proceeds of said sale over to the county treasurer, to apply to the payment of that portion of the poor tax that should fall to the share of said town. By ch. 160 of 1860 the county treasurer, when directed by the board of supervisors, was empowered to convey to John B. Prosser, his heirs and assigns, such share of all marble and minerals (gold and silver excepted) which said Prosser shall discover at his own expense, on the lands belonging to the poor fund of said county, as such board should direct, not exceeding one-half of such marble, mines or minerals.

CHAP. LV.

WASHINGTON COUNTY.*

SECTION 1210. Office of the superintendent of the poor salaried and salary fixed.

1211. Vagrants convicted may be sentenced to hard labor in county jail.

1212. Such vagrants, so sentenced, when may be removed to Albany penitentiary.

Superintendent's office salaried and salary fixed.

§ 1210. That the office of superintendent of the poor in and for the county of Washington, from and after the passage of this act, shall be a salaried one. § 1, ch. 163,^b 1865. The salary of each such superintendent shall be and is hereby fixed at the sum of one hundred dollars per annum. § 2, same ch.

Vagrants in Washington county may be sentenced to hard labor.

§ 1211. On any conviction before any magistrate of said [Washington] county, of any person as a vagrant, such offender may be sentenced by such magistrate to imprisonment in the county jail at hard labor, for a term not exceeding six months. § 2, ch. 43,^c 1857.

Convicts sentenced for not less than sixty days to county jail, to be removed to Albany penitentiary.

§ 1212. It shall be the duty of the sheriff of the said county of Washington, on their reception by him, to forthwith remove the several persons sentenced to hard labor in said county jail, for a term not less than sixty days, to the Albany penitentiary; and the keeper thereof shall receive such persons and safely keep them for the term for which they were respectively sentenced, and employ them according to the discipline and rules of said penitentiary. § 4, same ch.

* By § 52, ante, the maintenance of the poor is made a county expense in the county of Washington. By ch. 84 of 1828 the supervisors of said county were authorized to raise by tax \$1,500, and the county treasurer directed to pay the same to the superintendents of the poor-house of the said county, for the purpose of erecting such additional buildings as they should deem necessary and proper for idiot and lunatic paupers, and for erecting such workshops as they might deem necessary.

^b An act to make the office of superintendents of the poor in Washington county a salaried office. Passed March 22, 1865; three-fifths being present. The following is § 3 of ch. 84, 1828, to wit:

"The superintendents of the poor-house of said [Washington] county, or any one or more of them, may hereafter, at the expense of the said county, commence and prosecute any suits for any penalty or forfeiture which, by any existing laws, may be commenced and prosecuted in the name or names of the overseers of the poor of any town in the county; which penalty or forfeiture, when recovered, shall be paid to the treasurer of the county for the use of the poor thereof."

^c An act for the more effectual prevention and punishment of vagrancy and crime in the county of Washington. Passed February 19, 1857; three-fifths being present. Section three of said act relates to the sentencing of convicted felons who are under sixteen years of age.

CHAP. LVI.**WAYNE COUNTY.***

NOTE 1213. Repealing ch. 315, 1845, relating to the support of the poor in Wayne county.

§ 1213. The special act (chapter 315) passed May fourth, eighteen hundred and forty-five, entitled "An act in relation to the support of the poor in the county of Wayne," is hereby repealed. § 1, ch. 382, 1855. Repeal of
ch. 315,
1845.

CHAP. LVII.**WESTCHESTER COUNTY.†**

NOTE 1214. County superintendents to keep accounts of expenditures, etc., at county poor-house, and report annually to the supervisors.

1215. Moneys for supplies or services when, only, to be drawn and paid.

1216. County judge authorized to visit poor-house, and to report thereon to board of supervisors; duties of superintendents and keepers in furnishing such judge facts, &c.; such judge to receive no compensation.

1217. Overseer of the poor of Morrisania, how appointed, and his powers and duties.

1218. Bond of such overseer, its form, &c.

1219. Term of office of overseers in office at time of enactment of ch. 277, 1864.

1220. Moneys for the support of the poor in Morrisania, how to be raised.

1220½. Duty of supervisors and others respecting volunteer fund, under ch. 38, 1862.

By ch. 28, 1841, the board of supervisors were authorized to direct the county superintendents of the poor to purchase additional land for use of the county poor-house, and by ch. 317, 1845, such superintendents were authorized to sell so much of the poor-house farm of said county as north of the south bounds of the Erie canal.

On the 19th of March, 1827, an act was passed authorizing the Westchester board of supervisors to raise by tax an additional sum to build the house in said county, and by ch. 14, 1828, it was made lawful for said board to raise by tax an additional sum to complete said poor-house. And chap. 18, again authorized said supervisors to raise by tax such an amount as might deem necessary for the completion of such poor-house. Such authority was by ch. 17, 1832, granted authority to raise a sum of money to purchase land and make necessary improvements for the use of the poor-house. Chapter 97, of 1839, authorized the supervisor and overseers of the town of Mount Pleasant, Westchester county, to sell the said poor-house and farm.

Superintendents of Westchester to keep an account.

§ 1214. The [superintendents of the county of Westchester] shall be required to keep an accurate account of all money accounts, expenditures and receipts at the county poor-house in said county; and make annually to the supervisors, under oath, a full and faithful statement of the expenses, condition and resources of the institution, for record in the books of the house and for publication. § 2, ch. 126,^a 1845.

Moneys for supplies, when to be paid.

§ 1215. No moneys raised or appropriated for or applicable to the support of the poor in said county, either for the purchase of supplies or for services rendered under direction or engagement of the said superintendents, shall be drawn from the treasury of the county or paid out until such supplies shall have been actually received at the poor-house, or such services actually rendered and performed, and the same passed upon and authorized at a meeting of the superintendents, whose draft therefor, duly signed by them or their presiding officer, shall thereupon be paid by the county treasurer. § 4, same ch.

Poor-house of Westchester county. County judge authorized to visit and to report to board of supervisors; duties of keepers, and superintendents. No compensation.

§ 1216. [The county judge of the county of Westchester] hereby authorized to visit the poor-house in that county whenever [he] shall see fit, and inquire into the management thereof, to examine the paupers, keepers and county superintendents, touching the same, and to report from time to time to the board of supervisors such facts and suggestions as he [may] deem advisable, and the keepers and superintendents are hereby required to afford to the said [judge] all necessary facilities in making [his] inquiries. § 1, ch. 316,^b 1841, as modified by § 27, ch. 470,^c 1847. No pecuniary compensation shall be allowed the said [judge] for any services [he] may render under this act. § 2, same ch., as modified.

Overseer of the poor in Morrisania.

§ 1217. The board of trustees [of the town of Morrisania] shall appoint an overseer of the poor for said town, who shall perform all the duties of overseers of the poor in towns. He shall receive such compensation for his services as the board of trustees shall, by resolution, prescribe. Such overseer of the poor shall render to the board a sworn statement of all moneys received and disbursed by him, whenever required by said board. All laws of this state defining or regulating the powers and duties of overseers of the poor in towns, so far as applicable, and not inconsistent with this act, shall apply to

Sworn statement.

^a The first section of this chapter is superseded by the provisions of chapter 498 of 1847. The third section is repealed by chapter 333 of 1846.

^b An act authorizing the judges of the county of Westchester to visit the poor-house of said county. Passed May 26, 1841.

^c "An act to amend an act entitled 'An act in relation to the judiciary, passed May 12, 1847.'" Passed December 14, 1847; three-fifths being present.

the overseer of the poor to be appointed under the provisions of this act; but all moneys hereafter to be raised in said town for the support of the poor shall be paid to the treasurer of said board of trustees, and be paid by said treasurer to such overseer of the poor, in the same manner as other moneys are to be paid out by him. § 19, ch. 277, 1864.

Moneys to be paid out by overseer.

§ 1218. The clerk, overseer of the poor, and such other officers as may be required by the board of trustees so to do, shall severally, before they enter upon the duties of their respective offices, execute a bond to said board of trustees, in such sum and with such sureties as said board shall direct and approve, conditioned that they will faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively, and file the said bond with the clerk of said board. Part of § 21, same ch.

Bonds of overseer.

§ 1219. The terms of office of the overseers of the poor in the said town of Morrisania shall cease on the election of the trustees first to be elected under the provisions of this act. Part of § 22, same ch.

Terms of office to expire.

§ 1220. The board of trustees shall have power, and it shall be their duty, to direct moneys to be raised by tax upon the taxable property in said town, for the following purposes:

Trustees to raise tax for support of the poor.

1. * * *
2. * * *
3. * * *

4. For the support and maintenance of the poor in said town.

5. * * *
6. * * *

7. For all other purposes for which town officers and town meetings in said town are authorized by law to direct moneys to be raised.

But such board shall not have power to raise in any one year more than two thousand five hundred dollars for the purposes fourthly in this section designated. Part of § 25, ch. 277, 1864, as amended by ch. 733, 1866, by ch. 12, 1868, and by § 3, ch. 184, 1869.

§ 1220½. The supervisors of the respective towns [in Westchester county] shall report, under oath, at the next annual town meeting of their respective towns, and thereafter annually, the amount of moneys received pursuant to the provisions of this act (chap. 38 of 1862), and if he has paid or disposed of the same, or any part thereof, and how disposed of, and for what purpose, and the balance, if any, on hand. § 5, ch. 38, 1862. The board of supervisors of the county of Westchester shall appropriate the

Annual report to be made by supervisor of each town respecting volunteer relief funds.

Board of supervisors to ap-

appropriate
\$10,000 annually for
payment
of bonds.

No fees for
services.

Supervisors to give
bonds
for performance
of this act.

sum of ten thousand dollars annually for the purpose of paying said bonds [bonds authorized to be issued under chap. 38, 1862], until the whole amount thereof shall be paid, and they shall also appropriate an annual amount sufficient to pay the interest thereon. § 6, same ch. The services required to be performed by any officer under this act shall be rendered without any fee or reward therefor, except that the actual expenses incurred may be audited by the board of supervisors, and by them directed to be paid. § 7, same ch. The several supervisors shall give a bond to the county treasurer in a penalty double the amount received by them respectively, with sufficient sureties, to be approved by such treasurer, conditioned for the faithful performance of their respective duties under this act, before said treasurer shall deliver said bonds. § 8, same ch.

CHAP. LVIII.

WYOMING COUNTY.^b

SECTION 1221. "The board of managers of the Educational and Industrial Reformatory of Warsaw" incorporated.

1222. Terms of office of managers, &c.

1223. Board of managers and its number; vacancies in, how to be filled.

1224. Object of said reformatory.

1225. Powers of corporation to purchase lands, &c., to erect buildings thereon, and to make rules and regulations.

1226. Powers of corporation to make by-laws, and also to receive bequests and devises.

1227. Who may be received in such institution.

1228. Managers to make annual report to legislature.

1229. Compensation, managers not to receive.

1230. Wyoming Benevolent Institute, its object.

1231. Its powers and liabilities.

^a "An act to authorize the county treasurer of the county of Westchester to issue bonds upon the credit of said county for the relief of the families of volunteers and for the payment thereof." Passed March 21, 1862; three-fifths being present.

^b See ante, respecting Roman Catholic orphan and vagrant children in Wyoming county. §§ 306, 410.



SECTION 1232. Trustees.

1233. Business quorum.
1234. Trustees to report annually to legislature.
1235. Vacancies in board of trustees, how to be filled.
1236. Donations to Institute.
1237. Investment of property, &c.

§ 1221. Horatio Seymour, Augustus Frank, Linus W. Thayer, William Bristol, William H. Merrill, David McWethy, Elias H. Russell, and Isaac Butts, together with five other persons to be appointed by the governor of the state, are hereby constituted a body corporate, under the name of "The Board of Managers of the Educational and Industrial Reformatory of Warsaw." § 1, ch. 267,* 1870.

Educational and industrial reformatory.

§ 1222. The first eight persons named in the foregoing section shall hold their office during pleasure, or until removed by a vote of two-thirds of the board of managers, and shall have power to appoint their own successors in the manner designated in section three of this act; and the five managers appointed by the governor shall hold office for ten years; but the first five so appointed shall be so classified that the term of one shall expire at the end of each two years during the first ten years. § 2, ch. 267, 1870.

Managers, their terms of office, and how appointed.

§ 1223. The board of managers shall consist of not less than thirteen persons, seven of whom shall constitute a quorum to do business; but the board may at pleasure elect honorary members, with advisory powers, but no authority to vote. Vacancies occurring in the board by death, resignation or removal, among the first eight persons named in section one, shall be filled by the board itself; vacancies occurring among the five appointed by the governor shall, in like manner, be filled by his appointment. § 3, same ch.

Board of managers.

Vacancies in, how filled.

§ 1224. The object of said reformatory shall be the reclaiming of persons who have been convicted of first offenses, the punishment for which would be imprisonment in a state prison for a term not exceeding five years.

Object of reformatory.

§ 4, same ch.

§ 1225. The said corporation shall have power to purchase the necessary grounds, which shall not be less than two hundred acres, and erect the necessary buildings for the accommodation of not less than two hundred persons, from moneys to be raised by voluntary gifts from the people; to make all rules and regulations they may deem

Powers of corporation.

* An act to incorporate an educational and industrial reformatory, to be named at Warsaw, in the county of Wyoming. Passed April 16, 1870.

necessary for the management of said reformatory; to elect or appoint all necessary officers, and determine the salaries of the same; and these officers shall not be removed except for cause set forth in written charges, and after a full hearing. § 5, ch. 267, 1870.

Ib. § 1226. Said corporation shall have power to make by-laws for their own government, to make and use a corporate seal and alter the same at pleasure, and to sue and be sued in their corporate name. Said corporation shall also have power to receive bequests of real or personal property to be devoted to the interests of said institution, subject to the provisions of law relative to bequests by last will and testament. § 6, same ch.

Who to be received in institution. § 1227. The managers of said reformatory shall receive under their care and instruction such persons, convicted of first offenses, as shall be intrusted to them, in the discretion of the courts of this state, under such rules and regulations as shall be prescribed by law. § 7, same ch.

Report to legislature. § 1228. The board of managers shall make, annually, to the legislature a full report of their proceedings and of the condition and working of the institution. § 8, same ch.

Compensation. § 1229. The said managers shall receive for their services no compensation, except for expenses incurred in the charge of necessary official duties. § 9, same ch.

Wyoming Benevolent Institute. Its object. § 1230. John B. Skinner, Edward H. Letchworth, Henry R. Howland, George J. Letchworth and Josiah Letchworth, and their successors to be duly appointed as hereinafter specified, are hereby constituted and appointed a body corporate for the purpose of establishing and maintaining in the county of Wyoming an institution for the support and education of indigent young persons. § 1, ch. 479, 1870.

Powers and liabilities of corporation. § 1231. Said corporation shall be called "The Wyoming Benevolent Institute," and under that name shall have perpetual succession, and be capable of taking and holding, by purchase, gift, grant, devise or bequest, any real or personal estate for the purposes aforesaid, the yearly net income of which shall not exceed the sum of fifty thousand dollars, and shall possess the powers and privileges, and be subject to the liabilities and provisions contained in title three of chapter eighteen of the first part of the Revised Statutes, as the same may have been amended, and so far as the same may be applicable and not inconsistent with the provisions of this act. § 2, same ch.

Board of trustees. § 1232. There shall be five trustees of the said corporation, who shall have charge of all its property, and who shall apply the income and avails thereof to the purposes



ed in this act. The persons named in the first of this act shall be the first trustees, and shall hold offices until their successors shall be appointed as after provided. § 3, ch. 479, 1870.

First trustees.

33. No act of the trustees shall be valid unless adopted or ratified by a resolution adopted at a regular meeting of said trustees by a majority of the whole number of said trustees by a majority of the whole number recorded in a book to be provided and kept for the purpose. § 4, same ch.

Business quorum.

34. The trustees shall annually, within the month of January in each year, send to the legislature of this State a full statement of all the property and funds in the charge, of the condition thereof, of the number, ages and names of the young persons received into the said institution, of the items of all receipts and disbursements, together with a certificate of at least two of the trustees, that they had compared the same with the vouchers and found them correct. § 5, same ch.

Record of proceedings.

Annual report to legislature, what to contain.

35. All vacancies in the board of trustees, by death, resignation or otherwise, shall be filled by the remaining trustees at a regular meeting of the board. § 6, same ch.

Vacancies, how filled.

36. The said trustees may accept donations of real or personal estate, by will or otherwise, for the purposes provided in the first section of this act, and on such terms, conditions and restrictions as the donors may prescribe, and shall have power to dispose of the same, except when otherwise directed by said donors. § 7, same ch.

Donations to institution.

37. The said trustees may, from time to time, invest the proceeds of any real or personal estate belonging to said corporation, and the income derivable therefrom, in such investments, added to the other available securities belonging to said corporation, shall amount to the sum of four hundred thousand dollars, and from that sum the interest and income realized from all sources shall be expended for the support and maintenance of the institution. § 8, same ch.

Investment of proceeds of real or personal estate.

CHAP. LIX.

YATES COUNTY.*

*. 276 of 1871, entitled: "An act relative to the auditing of the town in the counties of Yates, Suffolk and Livingston, see ante, §§ 1105-



RELATING TO THE POOR.

PART THREE.

RELATING TO STATISTICS OF THE COMMISSIONERS OF PUBLIC CHARITATIONS BY POOR PERSONS, PROSECUTIONS BY AND AGAINST SUPERINTENDENTS AND OVERSEERS OF THE POOR, IDIOTS AND VAGRANTS, DISORDERLY PERSONS, BASTARDS, LUNATICS, DRUNK-BENEVOLENT SOCIETIES, LUNATIC NEBRIATE ASYLUMS, AND OTHER MISCELLANEOUS MATTERS.

CHAP. LX.

STATISTICS RELATING TO THE POOR.

1. Certain provisions of law relating to reports by superintendents to secretary of state made applicable to certain local poor officers, and to all poor officers elected or appointed in cities under special acts of the legislature.
2. When and what and by whom reports to be made to superintendents.
3. Time when report to be made to secretary of state.
1. Secretary of state to make annual report to legislature, and what such report to contain.
2. Duty of superintendents in counties in which there are no poor-houses, or in which the distinction between town and county poor have been revived in respect to obtaining statistics, &c.
3. Forms, blanks and information to be furnished by secretary of state to those required to report.
4. Secretary of state directed to compile and publish and distribute laws in force relating to the poor, &c.

Certain poor officers to make report relating to the poor to secretary of state.

§ 1238. All the provisions of sections seventy-five, seventy-six, seventy-seven and seventy-eight, of chapter twenty, title one, part one, Revised Statutes of the state of New York, as amended by chapter two hundred and fourteen, laws of eighteen hundred and forty-two, and chapter one hundred, laws of eighteen hundred and forty-nine (sections one hundred and fourteen to one hundred and twenty), relating to reports by superintendents of the poor of the several counties of the state to the secretary of state, and the penalties for the neglect of duties under said acts, are hereby extended to and made applicable to the commissioners of public charities and correction for the city and county of New York, the superintendent of the almshouse of the county of Albany, the keeper of the poor-house of the county of Putnam, and the superintendents of the poor who are appointed by the boards of supervisors of the counties of Fulton, Herkimer and Jefferson, the commissioners of the almshouse elected in the cities of Newburgh and Poughkeepsie, and all poor officers elected or appointed in other cities of the state under special acts of the legislature. § 1, ch. 424, * 1870.

Also to make annual reports to county superintendents.

§ 1239. The commissioners of the almshouse of the cities of Newburgh and Poughkeepsie, and the poor officers of other cities chosen under special acts of the legislature, shall annually, on the first day of December, report to the superintendent of the poor of their respective counties such statistics as, from time to time, may be required to be reported in the other cities and towns of this state, under the general laws of the state. § 2, same ch.

Time when reports to secretary of state to be made.

§ 1240. The superintendents of the poor elected or appointed in the several counties of the state, the superintendent of the almshouse of the county of Albany, the keeper of the poor-house of the county of Putnam, and the commissioners of public charities and correction of the city and county of New York, are hereby required to make annual reports for their respective counties to the secretary of state, on or before the tenth day of January of each year (covering the year ending November thirtieth), upon the statistics of the poor required to be made by the acts hereby amended. § 3, same ch.

Duty of secretary of state to report to legislature.

§ 1241. The secretary of state shall annually, on or before the first day of March, report to the legislature the results of the information obtained in pursuance of this act. § 4, same ch.

* An act in relation to the statistics of the poor. Passed April 27, 1870; three-fifths being present.

The superintendents of the poor in counties in which there are no poor-houses, or in which the distinction between town and county poor has been revived, are directed and required to procure from supervisors keepers of the poor in the several towns in such manner as the statistics necessary to enable them to make a report required by this act. § 5, ch. 424, 1870.

Duty of superintendents in respect to obtaining statistics

The secretary of state shall, from time to time, cause the officials named in the first and second sections of this act (§§ 1238 and 1239) with the necessary forms, and instructions required in making up reports of statistics of the poor. § 6, same ch.

Forms and blanks to be furnished by secretary of state.

The secretary of state is hereby authorized and directed to cause this act, together with all the general laws now in force in this state, to be printed and published in pamphlet form, with such explanations, forms and instructions, adapted to the several systems of supporting the poor, as in his judgment may be necessary, and that he cause the same to be distributed to superintendents and keepers of the poor and keepers of poor-houses in this state, to town and city clerks, county clerks, and boards of supervisors in this state. § 7,

Secretary of state to publish and distribute poor laws.

CHAP. LXL.

OF COMMISSIONERS OF PUBLIC CHARITIES.

45. Governor to appoint eight persons in each judicial district, to be known as the "Board of State Commissioners of Public Charities;" ex officio commissioners constituted.
46. Their term of office; vacancies, how to be supplied.
47. Oath of office to be taken; the commissioners empowered to elect president, and other officers and agents.
48. Powers of commissioners; duties of managers and officers of institutions, and penalties for not performing such duties.
49. Commissioners, or some of them at least, annually, to visit charitable and correctional institutions, and make report thereon to the legislature.
50. Commissioners, or some of them at least, once in two years, to visit and examine condition of almshouses and poor-houses, and report on condition of same in connection with their annual report.

RELIEF OF THE POOR.

SECTION 1251. Institutions requiring state aid, commissioners, or some of them, to inquire as to, and to report to legislature in respect thereto.

1252. Commissioners, or any of them, may administer oaths.

1253. Clerk of commissioners and his duties.

1254. Room for commissioners, to be assigned in capitol or state hall.

1255. Duty of commissioners in respect to attending legislative committees.

1256. Account books, blank books and stationery, to be furnished commissioners by comptroller.

1257. Commissioners to receive no compensation except for actual expenses, and how such expenses to be verified and paid.

1258. No trustee eligible to office of commissioner, and no commissioner to be interested in any contract.

Number of
commis-
sioners.

Ex-officio
members.

Terms of
office.

Oath of
office.

Officers of
board.

Powers and
duties.

§ 1245. Within thirty days after the passage of this act, the governor, by and with the consent of the senate, shall appoint eight persons, one residing in each judicial district of the state, to be called and known as the board of state commissioners of public charities. § 1, ch. 951,^a 1867. And the lieutenant-governor, secretary of state, comptroller and attorney-general are hereby constituted members, ex officio, of said state commissioners of public charities. Part of § 1, ch. 281,^b 1870, page 627.

§ 1246. One of the persons so appointed shall hold his office for one year, one for two years, one for three years, one for four years, one for five years, one for six years, one for seven years and one for eight years, as indicated by the governor on making the nominations; and all appointments thereafter, except to fill vacancies, shall be made for eight years. § 2, ch. 951, 1867.

§ 1247. Before entering upon their duties, the said commissioners shall respectively take and subscribe to the constitutional oath required of other state officers, which shall be filed in the office of the secretary of state, who is hereby authorized and directed to administer such oath. The said commissioners shall have power to elect a president out of its own number, and such other officers and agents as it may deem proper, and to adopt such by-laws and regulations for the transaction of its business and the management of its affairs as it may consider expedient. § 3, same ch.

§ 1248. The said commissioners shall have full power at all times to look into and examine the condition of

^a An act to provide for the appointment of a board of commissioners of public charities and defining their duties and powers. Passed May 23, 1867; three-fifths being present.

^b An act making appropriations for the support of government, Passed April 19 1870; three-fifths being present.

the several institutions which they may be authorized by this act to visit, financially and otherwise; to inquire and examine into their methods of instruction, and the government and management of their inmates; the official conduct of trustees, directors and other officers and employees of the same; the condition of the buildings, grounds and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to the grounds, buildings and all books and papers relating to said institutions; and all persons now or hereafter in any manner connected with the same are hereby directed and required to give such information and afford such facilities for inspection as the said commissioners may require; and any neglect or refusal on the part of any officer or person connected with such institution to comply with the requirements of this section shall subject the offender to a penalty of two hundred and fifty dollars, to be sued for and collected by the said commissioners, in their name of office. § 4, ch. 951, 1867.

Duties of officers, &c., of institution.

Penalty for neglect.

§ 1249. The said commissioners, or some one of them, are hereby authorized and required, at least once in each year, and as much oftener as they may deem necessary, to visit all the charitable and correctional institutions of the state, excepting prisons, receiving state aid, and ascertain whether the moneys appropriated for their aid are or have been economically and judiciously expended; whether the objects of the several institutions are accomplished; whether the laws in relation to them are fully complied with; whether all parts of the state are equally benefited by said institutions, and the various other matters referred to in the fourth section of this act (§ 1248); and report in writing to the legislature, at the opening of each annual session of the same, the result of their investigations, together with such other information and recommendations as they may deem proper. § 5, same ch.

Charitable institutions; visitation of commissioners.

Its objects.

Report to legislature.

§ 1250. The said commissioners, or some or one of them, shall also, at least once during the first two years of their appointment, and also at least once during each two years thereafter, visit and examine into the condition of each of the city and county alms or poor-house, and shall possess all the powers relative thereto, as mentioned in the fourth section of this act; and shall report to the legislature, in writing, the result of their examination, in connection with the annual report above mentioned. § 6, same ch.

Inquiring into condition of almshouses, &c.

Report as to.

§ 1251. Whenever any charitable or correctional institutions, subject to the inspection herein provided for, require state aid for any purpose other than their usual ex-

State aid; inquiry into.

- penses, the said commissioners, or some or one of them, shall inquire carefully and fully into the ground of such want, the purpose or purposes for which it is proposed to use the same, the amount which will be required to accomplish the desired object, and into any other matters connected therewith; and in the annual report of each year they shall give the result of such inquiries, together with their own opinions and conclusions relating to the whole subject. § 7, ch. 951, 1867.
- Report, as to.** § 1252. The said commissioners, or any one of them, are hereby authorized to administer oaths and examine any person or persons in relation to any matters connected with the inquiries authorized by this act. § 8, same ch.
- Oaths.** § 1253. The said board of commissioners shall have power and they are hereby authorized to appoint a clerk, who shall hold his office during their pleasure, with a salary not exceeding fifteen hundred dollars per annum, who shall, when required, act as an accountant, from time to time, as they may have occasion to investigate the financial or other affairs of any of the institutions affected by this act, or the accounts or official conduct of any of their officers; and when acting as such accountant, he shall, in addition, be allowed his actual traveling expenses. § 9, same ch.
- Clerk of commissioners.** § 1254. The trustees of the capitol, or, in case of their inability, the trustees of the new state hall, shall assign to the said board a suitable room for their accommodation. § 10, same ch.
- Room for accommodation of commissioners.** § 1255. The said commissioners, or some or any one of them, shall attend upon the sessions of the legislature whenever any committee of either house shall require their attendance. § 11, same ch.
- When commissioners to attend on legislature.** § 1256. The said board of commissioners shall be furnished by the comptroller with journal, account books, blanks and stationery. § 12, same ch.
- Blank books, &c., who to furnish.** § 1257. The said commissioners shall receive no compensation for their time or services, but the actual expenses of each of them, while engaged in the performance of the duties of their office, and any actual outlay for any necessary aid or assistance required in examinations or investigation, on being made out and verified by the affidavit of the commissioner making the charge, shall be paid quarterly by the treasurer, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, and the clerk of the board shall be paid in like manner. § 13, same ch.
- Commissioners to be paid expenses.** § 1258. No member of the board of said commissioners shall be, directly or indirectly, interested in any con-
- Clerk, how paid.**
- Not to be interested**

tract for building, repairing or furnishing any of the institutions which by this act they are authorized to visit and inspect, nor shall any trustee or other officers of any of the institutions embraced in this act be eligible to the office of commissioner hereby created. § 14, ch. 951, 1867.

in contracts.

No trustee eligible to office of commissioner.

CHAP. LXII.

BRINGING AND MAINTAINING SUITS BY POOR PERSONS.

Section 1259. Who may petition to prosecute as a poor person.

1260. Contents of petition; certificate of counsel to be annexed

1261. When court to assign counsel, &c.

1262. On being admitted, to prosecute without liability for costs, &c.

1263. When court may annul admission to prosecute.

1264. This title extended to suits in equity.

§ 1259. Every poor person, not being of ability to sue, who shall have a cause of action against any other, may petition the court in which such action is depending, or in which it is intended to be brought, for leave to prosecute as a poor person, and to have counsel and attorneys assigned to conduct his suit. § 1, title 1, ch. 8,^a part 3, R. S. (2 R. S. 444.)

Who may petition as such.
3 Paige, 272;
19 Abbott, 374; 1 J. C. R. 63;
2 Hm., 412;
14 How. P. R. 464; 14 id. 16.

§ 1260. Such petition shall state:

1. The nature of the suit brought or intended to be brought.

Contents of petition.

2. That the applicant is not worth twenty dollars, excepting the wearing apparel and furniture necessary for himself and his family, and excepting the subject-matter of the action, when not in possession thereof.

And shall be verified by his own affidavit, and supported by a certificate of a counselor of the court that he has examined the claim, and is of opinion that such poor person has a good cause of action. § 2, same title. (2 R. S. 445.)

Certificate of counsel.

§ 1261. The court to which such petition shall be presented, if satisfied of the facts alleged, and that the applicant has a meritorious cause of action, shall by rule admit him to prosecute as a poor person, and shall assign to him counsel, solicitors, attorneys, and all other officers

When and how to be admitted.

^a See § 471, Code of Procedure.

requisite for prosecuting his suit, who shall do their duty therein without taking any reward for the same. § 3, title 1, ch. 8, part 3, R. S. (2 R. S. 445.)

Consequence of admission, 14 Wend., 679; 18 How. 467.

§ 1262. Every person so admitted may prosecute his suit without paying any fees to any officers or ministers of justice, and shall not be prevented from prosecuting the same by reason of his being liable for the costs of any former suit brought by him against the same defendant; and if he be nonsuited, or a verdict or judgment be given against him, or his bill be dismissed, or a decree be rendered against him, he shall not be liable for any costs in such suit. § 4, same title.

When it may be annulled, 20 Wend. 679.

§ 1263. If the person so prosecuting be guilty of any improper conduct in the prosecution of his suit, or of any willful or unnecessary delay, the court may, in its discretion, annul the order admitting him to prosecute as a poor person; and he shall thereafter be deprived of all the privileges conferred by such order. § 5, same title.

Suits in equity.

§ 1264. The provisions of this title shall apply to suits in courts of equity as well as to actions in courts of law. § 6, same title.

CHAP. LXIII.

SUITS BY AND AGAINST OVERSEERS OF THE POOR AND COUNTY SUPERINTENDENTS.

SECTION 1265. Actions by superintendents or overseers, when may be brought.

1266. Such actions, how may be brought on contracts, &c.

1267. But in certain cases to be in the name of the body represented.

1268. Actions against counties and towns, how to be brought.

1269. Actions against certain public officers, how brought; proceedings.

1270. In certain actions, defendants not to be held to bail.

1271. Actions against officers on contracts of their predecessors.

1272. Omitting name of one of several officers, how waived.

1273. Suits by officers not to abate by death, removal, resignation, &c.

1274. New defendant not to be substituted without consent or notice.

1275. Judgments against superintendents or overseers to be laid before supervisors.

1276. To be added by them to tax list and collected as taxes.

1277. Judgments, when county treasurer to pay.

1278, 1279. When to be paid by supervisor or overseers of the poor.

1280. Execution not to issue in certain cases.

§ 1265. Actions may be brought by the supervisors of a county; by county superintendents of the poor; by supervisors of towns; by overseers of the poor of the several towns; upon any contract lawfully made with them or their predecessors, in their official character; to enforce any liability, or any duty enjoined by law, to such officers or the body which they represent; to recover any penalties or forfeitures given to such officers or the bodies whom they represent; and to recover damages for any injuries done to the property or rights of such officers, or of the bodies represented by them. Part of § 92, art. 4,* title 4, ch. 8, part 3, R. S. 2 (R. S. 473.)

Actions by certain public officers,
2 Kern. 28;
1 id. 280;
12 Barb.
179; 15 id.
427; 9
Paigo 189;
25 Wend.
363; 4 Hill,
137; 30
Barb. 612;
25 Wend. 68.

§ 1266. Such actions may be brought by such officers in the name of their respective offices, notwithstanding the contract or obligation on which the same is founded may have been made with or to any predecessors of such officers, in their individual names or otherwise, and notwithstanding any right of action may have accrued previous to the time when the officers commencing such suit entered upon the execution of the duties of their office. § 93, same title.

On contracts, &c., with their predecessors,
2 Kern. 12;
15 Barb. 128.

§ 1267. But in cases where, by special provision of law, actions are directed to be brought by or against any public bodies, in the name of any such body, the same shall be brought or defended in such name by the persons representing such body then in office. § 94, same title.

When in names of public bodies.

§ 1268. Actions against counties, in the cases in which they are allowed by law, shall be brought against the board of supervisors thereof, and actions against towns shall be brought against such towns by their names; the said actions may be commenced by summons, as in suits against corporations, and the same proceedings shall be had thereon as are prescribed in the first article (2 R. S. 477 to 481) of this title. § 95, same title.^b

Against counties and towns,
2 Kern. 58.

§ 1269. Actions against the officers named in the preceding ninety-second section of this title (section 1265) shall be brought against them individually, specifying in the process, pleadings and proceedings, their name of office; and such actions may be commenced in the same manner as against individuals; but the defendants shall not be held to bail in any case, unless upon the order of a judge of the court in which the action is commenced, founded upon proof by affidavit that the same is brought for some personal misconduct in office, or upon some personal liability assumed or incurred by such defendants in their official

Against certain public officers,
2 Kern. 28;
2 Barb. 285;
27 id. 97;
7 Wend.
181; 10 id.
121; 3 How.
P. R. 16;
26 id. 128.

* Entitled "Of proceedings by and against public bodies having certain corporate powers, and by or against the officers representing them."

^b See § 471, Code of Procedure.

character. § 96, art. 4, title 4, ch. 8, part 3, R. S. (2 R. S. 474.)

When not
to be held
to bail,
9 Barb. 260.

§ 1270. In actions against county superintendents of the poor of any county, and against overseers of the poor of any town, to enforce any liability of such county or town, or to recover any sum of money, damages or expenses which such county or town may be liable to pay, the defendants shall not be held to bail. § 97, same title.

On con-
tracts of
prede-
cessors.
18 Wend.
271; Hill &
Denio, 204.

§ 1271. When any contract shall have been entered into, or any liability shall have been incurred, by or in behalf of any county or town, by any officer thereof within the scope of his authority, the same remedies may be had against any successor of such officer, in his official character, as might have been had against such officer, if he had continued in office. § 98, same title.

Plea in
abatement.
See Code of
Procedure.

§ 1272. In suits against any of the officers named in this article, the omission to name any other officer in the process or declaration may be pleaded in abatement; and if not so pleaded, such omission shall be deemed to have been waived, and shall not be objected in any other stage of the proceedings. § 99, same title.

Abatement
of suits by
officer's
death, &c.,
2 Denio, 125;
6 Seld. 164;
1 Barb. 14;
4 Hill, 170;
3 id. 475.

§ 1273. No suit commenced by or against any officers named in this article (chapter 63) shall be abated or discontinued by the death of such officers, their removal from, or resignation of, their offices, or the expiration of their term of office; but the court in which any such action shall be pending shall substitute the names of the successors in such office, upon the application of such successors, or of the adverse party. § 100, same title.

Substitu-
ting de-
fendant.

§ 1274. But before any new defendant shall be so substituted without his consent, at least fourteen days' notice of the application for that purpose shall be personally served on him. § 101, same title.

Certain
judgments
to be laid
before su-
pervisors,
20 Barb.
224; 11
Wend. 181;
19 id. 51.

§ 1275. If judgment be rendered for any debt, damages or costs, against the board of supervisors of a county, against the county superintendents of the poor of any county, against any town or the supervisor thereof, or the overseers of the poor thereof, on account of the liability of such county or town, and such judgment be not suspended by writ of error or otherwise, or be not paid and satisfied before the next annual meeting of the board of supervisors of the county, a certified copy of the docket of such judgment, or the record thereof, if required by such board, shall be laid before the board of supervisors of the county at some annual meeting thereof. § 102, same title.

To be col-
lected like
taxes,

§ 1276. The board of supervisors shall add the amount of such judgment, together with interest thereon, from



time of recovery to the first Monday in February next, and also the expenses of the certified copy of the docket or record of judgment mentioned in the preceding section, to the tax to be laid upon the county or town against which, or against the officers of which, such recovery shall have been had; which sums shall be assessed, levied and collected as other contingent charges of such town or county, and shall be paid by the county treasurer, to the person recovering such judgment. § 103, R. S. 4, title 4, ch. 8, part 3, R. S. (2 R. S. 475.)

20 Barb. 294;
11 Id. 117.

§ 1277. But if the treasurer of the county, against which or against whose officers such judgment shall be obtained, have sufficient moneys in his hands belonging to the county, not otherwise specifically appropriated, he shall be bound to pay the amount of such judgment, upon the production of a certified copy of the docket thereof, of the record, if required; and if he shall fail to do so on demand, he shall be personally liable for the amount of such judgment, with the interest, to be recovered in action by the party in whose favor such judgment was obtained, or his representatives. § 104, same title.

When to be
paid by
county
treasurer.
20 Barb. 294.

§ 1278. If the supervisor of a town or the overseers of the poor of a town, against whom any judgment shall have been rendered, which shall not be suspended by writ of error or otherwise, have sufficient moneys in their hands belonging to their town, not specially appropriated, they shall in like manner pay the amount of such judgment and the interest thereon, upon the like evidence; and for a failure so to do, they shall in like manner be personally responsible, to the party in whose favor such judgment was obtained. § 105, same title.

When by
supervisor
and over-
seers.
14 Wend. 74.

§ 1279. If the recovery be had against a town in its own name, the supervisor thereof shall, in like manner and upon the like evidence, pay the amount thereof, with interest, out of any moneys in his hands belonging to such town, not specially appropriated; and for a failure so to do shall be personally responsible for such amount, to the party in whose favor such judgment was obtained. § 106, same title.

By super-
visor.

§ 1280. When a judgment shall be recovered against the board of supervisors, or the county superintendents of the poor of any county, or against any town, or the supervisor or the overseers of the poor thereof, no execution shall be awarded or issued upon such judgment, unless the same shall have been rendered for the costs of a suit commenced by any of the said officers in their individual names; in which cases such costs shall be collected of the plaintiffs, individually, and the amount thereof shall be allowed to them in their account of official ex-

When exe-
cution not
to issue.
20 Barb. 294;
19 Wend. 51;
11 Id. 131.

penditures, by the board authorized to audit such accounts, if such suit appear to have been necessarily commenced in good faith. § 107, art. 4, title 4, ch. 8, part 3, R. S. (2 R. S. 475, 476.)

CHAP. LXIV.

BEGGARS, VAGRANTS AND DISORDERLY PERSONS.*

- SECTION 1281.** Persons enumerated who are to be deemed vagrants.
1282. Peace officers, when required to carry vagrants before magistrates.
1283. Authority of magistrate; when to commit vagrant to poor-house; when to jail.
1284. Children begging to be sent to poor-house, and may be bound out.
1285. Persons disguised, when may be arrested as vagrants, &c.
1286. Any officer or citizen may arrest and carry them before a magistrate.
1287. Any officer may require assistance.
1288. Penalty for refusing to assist officer.
1289. Magistrate may issue warrant against offender.
1290. Assemblage of persons disguised, a misdemeanor.
1291. Powers of village trustees under ch. 291, 1870, to make by-laws to prevent vice, punish vagrants, disorderly persons, &c.
1292. Persons complained of as vagrants or disorderly persons, how and when, under said chapter, to be tried.
1293. Term "vagrant" in said chapter defined.
1294. Disorderly persons under general village act, who deemed to be.
1295. Such vagrant or disorderly persons, by whom may be arrested.
1296. Disorderly persons under general law designated.
1297. Proceedings against them; surety for good behavior, when to be required.
1298. What acts to be deemed breaches of recognizance for good behavior.
1299. Recognizance, when and how prosecuted; recovery, how applied.
1300. Court before which recovery had may require new sureties, or commit to jail.
1301. When and by whom persons committed for want of sureties may be discharged.
1302. List of disorderly persons committed to be laid before court of sessions.
1303. Court to inquire into each case and hear proofs.
1304. Court may discharge, or authorize the binding out of, disorderly persons.

* For special laws relating to beggars, vagrants and disorderly persons in particular localities, see counties, ante. For ch. 185, 1853, relating to idle and truant children, see ante, §§ 162-164.

SECTION 1305. Court may commit to prison ; duration of imprisonment.

1306. When materials, &c., to be bought, and disorderly persons compelled to work.

1307. Expenses of materials, &c., how defrayed.

1308. Proceeds of labor, how disposed of and accounted for.

§ 1281. All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in taverns, groceries, beer-houses, out-houses, market places, sheds or barns, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places to beg or receive alms, shall be deemed vagrants. § 1, title 2, ch. 20, part 1, R. S. (1 R. S. 632.)

Enumeration of vagrants. 19 How. 458.

§ 1282. It shall be the duty of every constable, or other peace officer, whenever required by any person, to carry such vagrant before a justice of the peace of the same town, or before the mayor, recorder, or any one of the aldermen of the city in which such vagrant shall be, for the purpose of examination. § 2, same title. (1 R. S. 632.)

To be brought before magistrates.

§ 1283. If such justice or other officer be satisfied by the confession of the offender, or by competent testimony, that such person is a vagrant within the description aforesaid, he shall make up and sign a record of conviction thereof, which shall be filed in the office of the clerk of the county,* and shall by warrant under his hand commit such vagrant, if he be not a notorious offender, and be a proper object for such relief, to the county poor-house, if there be one, or to the almshouse or poor-house of such town or city, for any time not exceeding six months, there to be kept at hard labor; or, if the offender be an improper person to be sent to the poor-house, then he shall be committed to the bridewell or house of correction of such city or county, if there be one, and if none, to the common jail of such county, for a term not exceeding sixty days, there to be kept, if the justice think proper so to direct, upon bread and water only for such time as shall be directed, not exceeding one-half the time for which he shall be committed. § 3, same title. [Any magistrate by whom any vagrant or disorderly person shall be committed may cause such person to be searched for the purpose of discovering any property he may have, and if any property be found the same may be taken and applied to the support of such person while in confinement. Part of § 29, title 7, ch. 2, part 4, R. S. (2 R. S. 746.)]

Proceedings.

When vagrant to be sent to county poor-house, when to jail.

Property found on the person, how to be applied.

* As to certain duties of committing magistrate in New York city, see ante, §§ 716-719.

Children
begging,
how to be
dealt with.
See ante.
§§ 183-184.

§ 1284. If any child shall be found begging for or soliciting charity from door to door, or in any street, highway or public place of any city or town, any justice of the peace, on complaint and proof thereof, shall commit such child to the county poor-house, if there be one, or to the almshouse, or other place provided for the support of the poor, there to be detained, kept, employed and instructed in such useful labor as such child shall be able to perform until discharged therefrom by the court of superintendents of the poor, or bound out as an apprentice by them or by the commissioners of the almshouse or the overseers of the poor. § 4, title 2, ch. 20, part 1 R. S. (1 R. S. 633).

Persons
having their
faces
painted,
&c., may be
arrested.

§ 1285. Every person who having his face painted, colored, covered or concealed, or being otherwise disguised in a manner calculated to prevent him from being identified, shall appear in any road or public highway in any field, lot, wood or inclosure, may be pursued and arrested in the manner hereinafter provided; and when being brought before any judge or other officer hereafter designated of the same county where he shall be arrested, and not giving a good account of himself, he shall be deemed a vagrant within the purview of the second title of chapter twenty of the first part of the Revised Statutes (§§ 1281-1284); and on conviction, as provided in the said title, shall be committed to and imprisoned in the county jail of the county where such person shall be found for a term not exceeding six months; and magistrates authorized in and by the first section of the second title in the second chapter of the fourth part of the Revised Statutes to issue process for the apprehension of persons charged with any offense, are authorized and required to execute the powers and duties in relation to the offense created by this act which are conferred and imposed on justices of the peace by the said second title of chapter twenty, and all other powers and duties conferred and imposed by this act. § 1, ch. 3, 1845.

Powers and
duty of
sheriffs and
other officers.

§ 1286. Every sheriff, deputy sheriff, constable, or other peace officer of a city or other public peace officer, or other officer of the county where such person or persons shall be found disguised as aforesaid, may, of his own authority and without process, arrest, secure and convey to such magistrate residing in the county where such person shall be found, any person who shall be found having his face painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, to be examined and committed against in the manner prescribed in the said second title of chapter twenty; and it shall be the duty of any sheriff, deputy sheriff, constable, marshal, or other

peace officer, whenever any of them shall discover any person with his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, immediately to arrest, secure and convey such person to any such magistrate, to be proceeded with according to law; and whenever any such officer shall receive credible information of any person having his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, it shall be the duty of every such officer forthwith to pursue such person and arrest, secure and convey him to any such magistrate. § 2, ch. 3, 1845.

§ 1287. In the execution of the duties prescribed in the last foregoing section, any sheriff, deputy sheriff, constable, marshal or other peace officer, shall be authorized to command any male inhabitant of his county, or as many as he shall think proper, to assist him in seizing, arresting, confining and conveying to any such magistrate and committing to the common jail of the county, every person with his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid; and any inhabitant so commanded may provide himself or be provided with such means and weapons as the officer giving such command shall designate. § 3, same ch.

Officers may call inhabitant for assistance

§ 1288. Every person so commanded as provided in the last preceding section who shall refuse or neglect, without lawful cause, to obey such command shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both. § 4, same ch.

Penalty neglect

§ 1289. Any magistrate to whom complaint shall be made that any person has appeared in the public highway, or in any lot, field, woods, or inclosure, with his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, may, in his discretion, by warrant under his hand, depute and empower any elector of the county to arrest, seize, confine and bring such person before such magistrate to answer such complaint. And in any such warrant, or in any other warrant or process against any person charged with having his face so painted, discolored, covered or concealed, or being otherwise disguised as aforesaid, whose name shall not be known, it shall be sufficient to describe the offender by some fictitious name. § 5, same ch.

Power of magistrates to arrest certain persons.

§ 1290. Every assemblage in public houses, or other places, of three or more persons disguised as aforesaid, is hereby declared to be unlawful; and every individual so disguised, present thereat, shall be deemed guilty of a misdemeanor, and, upon conviction, be punished by im-

Disguis persons when deemed guilty of misdemeanor

	prisonment in the county jail not exceeding one year. § 6, ch. 3, 1845.
Village trustees.	§ 1291. The trustees [of a village, created under and by virtue of chapter 291, entitled "An act for the incorporation of villages," passed April 20, 1870; three-fifths being present], shall have power, as to acts and matters within the corporate bounds, to make, publish, amend and repeal rules, ordinances and by-laws for the following purposes:
Their powers.	1. To declare and define the duties, and manner of discharging the same, of all officers of the corporation whose duties are not specially prescribed by this act, and to add to the duties of those officers whose duties are thus prescribed, if the board of trustees deem necessary, and to fix the compensation of such officers, if not fixed by this act.
To define duties of officers.	2. To prevent vice and immorality, preserve the public peace and order, to restrain and suppress disorderly houses and houses of ill fame or of assignation, gaming-houses and instruments and devices for gaming.
Prevent vice.	3. To establish and maintain a police, and prescribe their powers and duties; to erect or procure and maintain a lock-up, or designate a place for the detention of persons arrested under this act, or under any by-law, rule or ordinance, and to confine said persons therein.
Establish a lock-up.	4. To apprehend and punish common prostitutes, vagrants and disorderly persons, and persons unnecessarily congregated upon the sidewalks or corners, or disturbing a public assembly.
Punish vagrants.	21. To prohibit or regulate all exhibitions or performances for money or hire, or authorize the same, on such terms as the trustees shall deem expedient.
Regulate exhibitions.	22. To restrain and prevent hawking and peddling in the streets; to regulate, restrain or prohibit sales by auction, and grant licenses to auctioneers. Suba. 1-4, 21 and 22 of § 3, title 3, ch. 291, 1870.
Grant licenses to auctioneers.	§ 1292. When any person complained against as a vagrant, disorderly person, riotous person, or person keeping a disorderly house, or a house of ill fame or assignation or prostitution, under the provisions of this act, or any rule, by-law or ordinance made in reference to such persons under this act, shall be brought before an officer having jurisdiction of such matters, he shall, unless the offense complained of be indictable at common law, proceed forthwith to hear, try and determine the complaint against said person, as provided by law for the offense on which such person is arrested, or such officer may, in his discretion, adjourn the hearing on cause shown, not to exceed five days, and in the mean time commit the of
Vagrant and disorderly persons complained of as being, how and when to be tried.	

sender to the village lock-up or place of confinement, or county jail, until such day, or suffer him or her to go at large on executing a bond approved by the said officer, conditioned that he or she will appear on the adjourned day, when trial shall be had. § 14, title 8, ch. 291, 1870.

§ 1293. The term "vagrants," as used in this act, comprises the persons described in part one, chapter twenty, title two, section one (section 1281) of the Revised Statutes, § 17, same title.

Vagrants,
who to be
deemed as.

§ 1294. All persons found intoxicated in the streets of the village, or persons who shall be guilty of noisy, riotous or tumultuous conduct, disturb the quiet and peace of the village, or of any meeting or assembly therein; all persons who shall willfully give a false alarm of fire; all persons who shall publicly use any profane, vulgar or obscene language or conduct in any street or public place in said village; all persons who shall willfully and maliciously break, mar, injure, remove, or deface any building, fence, awning, sign, signboard, tree, shrubbery or other ornamental thing in said village; all persons who shall remove from or pile up before any door, or on any sidewalk or street, boxes, casks or other things for the purpose of annoyance or mischief, or who shall willfully tear down, destroy or mutilate any notice or handbill lawfully posted up in said village; all persons who shall incite or induce dogs to fight in any of the streets or public places in said village; all persons who, at any time of any fire in said village, shall be guilty of any insubordination or of any disorderly conduct, or who shall attempt to obstruct the operations of the fire department, or shall willfully neglect or refuse to obey, or attempt to prevent or obstruct the execution of, the orders of the trustees or officers of the fire department, shall be deemed, and are hereby declared to be, disorderly persons under this act, and under any rule, by-law or ordinance adopted in pursuance thereof for the punishment of disorderly persons.

Disorderly
persons,
who deemed
to be
such.

§ 18, same title.

§ 1295. Any trustee or any police constable is hereby authorized to arrest any vagrant or disorderly person, with or without process, and take him or her forthwith before the proper officer. If such officer cannot be found the persons arresting may detain the person arrested, not to exceed twenty-four hours, until the proper officer to try such person is found. § 19, same title.

Vagrant or
disorderly
person in
village,
who au-
thorized to
arrest.

§ 1296. All persons who shall abandon or neglect to support their wives or children, or who threaten to run away and leave their wives or children a burden on the public; all persons pretending to tell fortunes, or where

Enumera-
tion of dis-
orderly
persons,
under pro-
visions of

R. S.
6 Hill, 77;
3 Denio, 101;
3 Park. C.
R. 686.

lost or stolen goods may be found; all common prostitutes, all keepers of bawdy houses or houses for the resort of prostitutes, drunkards, tipplers, gamesters, or other disorderly persons; all persons who have no visible profession or calling to maintain themselves by, but who do, for the most part, support themselves by gaming; all jugglers, common showmen and mountebanks, who exhibit or perform for profit any puppet show, wire or rope dance, or other idle shows, acts or feats; all persons who keep in any public highway or place, or in any place where spirituous liquors are sold, any keno table, wheel of fortune, thimbles, or other table, box, machine, or device for the purpose of gaming; all persons who go about with such table, wheel, or other machine or device, exhibiting tricks or gaming therewith; all persons who play in public streets or highways, with cards, dice, or any other instrument or device for gaming; shall be deemed disorderly persons. § 1, title 5, ch. 20, part 1 R. S. (1 R. S. 638), as amended by ch. 127, 1861.

Proceedings against them.

Surety for good behavior, 23 Wend. 48; 6 Hill, 77; 5 Barb. 207; 42 Id. 224.

Record of conviction and commitment.

Breaches of recognizance.

Prosecutions therefor.

§ 1297. Upon complaint made on oath to any justice of the peace against any person as being disorderly, he shall issue his warrant for the apprehension of the offender, and cause him or her to be brought before such justice for examination. If it shall appear by the confession of the offender or by competent testimony, that he or she is a disorderly person, the justice may require of the offender sufficient sureties for his or her good behavior for the space of one year. In default of such sureties being found, the justice shall make up, sign and file in the county clerk's office, a record of the conviction of such offender as a disorderly person, specifying generally the nature and circumstance of the offense, and shall, by warrant under his hand, commit such offender to the common jail of the city or county, there to remain until such sureties be found, or such offender be discharged according to law. § 2, same title. (1 R. S. 638.)

§ 1298. It shall be deemed a breach of such recognizance for any person so bound on account of being a gamester, at any one time or sitting to play or bet for any money or other thing exceeding the sum or value of two dollars and fifty cents. In all other cases the committing any of the acts which constituted the person so bound a disorderly person shall be deemed a breach of the condition of such recognizance. § 3, same title. (1 R. S. 639.)

§ 1299. If any breach of such recognizance for good behavior happen, such recognizance shall be prosecuted at the instance of any overseer of the poor, county superintendent of the poor or justice of the peace, and the

alty, when collected, shall be paid into the county treasury for the benefit of the poor of such county. § 4, ch. 20, part 1, R. S. (1 R. S. 639.)

Penalties to go to the poor.

1300. Upon a recovery being had upon any such recognizance, the court before which it shall be had may, in its discretion, either require new sureties for good behavior to be given, or may commit the offender to the common jail of the city or county for any term not exceeding six calendar months. § 5, same title.

Consequences of recovery.

1301. Any person committed to the common jail for finding sureties for good behavior may be discharged by any two justices of the peace of the county upon finding such sureties for good behavior as were originally required from such offender. § 6, same title.

Two justices may discharge in certain cases. 23 Wend. 44; 3 Barb. 302.

1302. It shall be the duty of the keeper of every jail to appear before the court of sessions,* on the first day of its sitting next after the commitment of any disorderly person, a list of the persons so committed and then in his report, with the nature of their offenses, the name of the justice committing them, and the time of imprisonment. § 7, same title.

Jail-keeper to exhibit lists, &c., to sessions.

1303. The court of sessions* shall inquire into the circumstances of each case and hear any proofs that may be offered, and shall examine the record of conviction, which shall be deemed presumptive evidence of the truth therein contained until disproved. § 8, same title.

Duty of court.

1304. The court may discharge such disorderly persons from confinement, either absolutely or upon receiving sureties for his or her good behavior in its discretion; and the said courts may, in its discretion, authorize the county superintendents of the poor or the overseers of the poor of any town, or the commissioners of any almshouse, to bind out such disorderly persons as shall be found in some lawful calling, as servants, apprentices, laborers or otherwise, until they shall be of full age respectively; or to contract for the service of such disorderly persons as shall be of full age, with any person, as laborers, servants, apprentices, mariners or otherwise, for any term not exceeding one year; which binding out and contracts shall be as valid and effectual as the indenture of any apprentice with his own consent and the consent of his parents, and shall subject the persons so bound out or contracted to the same control of their masters respectively and of the court of sessions* as if they were so bound and as apprentices.* § 9, same title (1 R. S. 639.)

Court may discharge, or authorize binding out.

Effect of indentures.

*The words "general" and "of the peace," struck out so as to conform to amendments made by § 44, ch. 280, 1847.

May com-
mit to jail.

§ 1305. The said court may, in its discretion, order such disorderly person to be kept in the common jail any term not exceeding six months at hard labor, or may direct that during any part of the time of imprisonment, not exceeding thirty days, such offender be kept on bread and water only. § 10, title 5, ch. 1, R. S. (1 R. S. 640.)

Disorderly
persons
may be
compelled
to work,
&c.

§ 1306. If there be no means provided in such town for employing offenders at hard labor the court may order the keeper thereof to furnish such employment as shall be specified to such disorderly persons as shall be committed thereto, either by a justice or any court, and to purchase any necessary raw materials and tools, not exceeding in amount such sum as the court shall prescribe, and to compel such persons to do such work as shall be so allotted to them. § 11, same title.

Expenses,
how de-
frayed.

§ 1307. The expenses incurred in pursuance of such order shall be paid to the keeper by the county treasurer on the production of the order of the court, and on a true and correct account of the materials purchased, verified by the oath of the keeper. § 12, same title.

Disposition
of proceeds,
accounting
for.

§ 1308. The keeper shall sell the produce of such work and shall account for the first cost of the materials purchased and for half of the surplus to the board of supervisors, and pay the same into the county treasury. The other half of such surplus shall be paid to the offender earning the same, on his or her discharge from imprisonment. The keeper shall account to the board of supervisors whenever required, for all materials purchased and for the disposition of the proceeds of the earnings of such offenders. § 13, same title.

CHAP. LXV.

BASTARDS.

SECTION 1309. Bastards, who are to be deemed.

1310. To be supported by father or mother, or by the town.

1311. Penalty for removing mother of bastard; reported after removal.

1312. Mother and child, paupers; proceedings against or town from which she was removed.

1313. Superintendents and overseers to institute proceedings to compel support of bastards.

1314. Justice to ascertain father of bastard, and issue a warrant.
1315. Proceedings when father out of the county; indorsement of warrant, &c.
1316. Justice indorsing warrant may take one of two bonds, from father.
1317. Proceedings upon bond being executed.
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1319. Who shall associate another justice; their duties and powers.
1320. When and for what time proceedings may be adjourned.
1321. Powers and duties of justices on hearing.
1322. Person adjudged to be father to pay costs and enter into bond.
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1329. In what case, and how, mother compelled to support bastard.
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1338. In what cases father to be discharged from custody or from bond.
1339. Proceedings by sessions on affirming order of filiation.
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1344. If order be affirmed, proceedings to compel obedience,

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1349. Court to inquire into circumstances of father or mother imprisoned.
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1351. Notice to be given to superintendents or overseen, before discharge.
1352. Persons imprisoned under title 6, ch. 20, part 1, R. 3., not entitled to discharge under insolvent act.
1353. Bonds for appearance to be signed and transmitted to court.
1354. How to be prosecuted on forfeiture; recovery, how to be paid and applied.
1355. By whom bonds for support of bastard to be prosecuted on breach.
1356. Proceedings thereon, what to be deemed breaches thereof.
1357. Proceedings for subsequent breaches; recovery, how applied.
1358. Costs on recovery by defendant, how collected.
1359. Actions for expense of bastards, &c., may be brought, although there is a bond.
1360. Proceedings against father or mother of bastard absconding, &c.
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1364. Duty of superintendents to provide for mother and child.
1365. Until taken charge of by superintendents, to be supported by overseers.
1366. Overseers of towns to support bastard and mother, whether chargeable or not.
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1369. Disputes concerning settlement of bastard, how determined.
- 1370, 1371, 1372. Proceedings when bastard is chargeable to another town.
1373. Mode of ascertaining sum to be allowed for support of bastard, &c.
1374. When mother and child to be removed to county poor-house.
1375. Penalty on superintendents and overseers for neglect to support bastards, &c.
1376. Proceedings in bastardy cases in counties where distinction between town and county poor abolished by whom may be taken.



BASTARDS.

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SECTION 1877. Superintendents authorized to compromise and arrange with putative fathers relative to support of bastard children.

1878. Powers of commissioners of emigration relative to bastards.

1879. Commissioners of public charities and correction, their powers to compromise, &c., with putative fathers.

1880. Penalty on constable for neglecting to deliver over bonds, &c.

1881, 1882. Mothers, when and how may receive the moneys received in compromise with putative fathers.

1883. Justice not liable for indorsing warrants.

1884. Provisions in case of death, absence, &c., of justices issuing warrant.

1885. Justices' fees in bastardy cases.

§ 1309. Every child shall be deemed a bastard within the meaning of this title, who shall be begotten and born,

Who are bastards, 15 Barb. 266.

1. Out of lawful matrimony.

2. While the husband of its mother continued absent out of this state for one whole year previous to such birth, separate from its mother, and leaving her during that time continuing and residing in this state.

3. During the separation of its mother from her husband, pursuant to a decree of any court of competent authority. § 1, title 6, ch. 20, part 1, R. S. (1 R. S. 642.)

§ 1310. The reputed father and the mother of every bastard shall be liable for its support; in their default or inability it shall be supported by the county or town in which it shall be born, as hereinafter provided. § 2, same title.

How supported, 15 Barb. 268; 4 Denio, 530.

§ 1311. If the mother of any bastard, or of any child likely to be born a bastard, shall be removed or clandestinely brought, or enticed to remove, into any county, from any other county of this state for the purpose of avoiding the charge of such bastard or child upon the county or any town, from which she shall have been so brought or enticed to remove, the same penalties shall be imposed on every person so bringing, removing or enticing such mother to remove, as are provided in the case of the clandestine or fraudulent removal of a pauper. Such mother, if unable to support herself shall be supported during her confinement and recovery therefrom, and her child shall be supported, by the county superintendents of the poor of the county where she shall be, if no provision be made by the father of such child. § 3, same title.

Removal of mother prohibited: how supported after removal.

§ 1312. Such mother and her child shall, in all respects, be deemed paupers; and the same proceedings may be had by the county superintendents to charge the town or

Proceedings to compel support of mother

and child,
by town or
county from
which they
were re-
moved.

Duty of
superin-
tendents
and over-
seers, 10
Johns. 93;
25 Wend.
620.

Proceed-
ings of jus-
tice to as-
certain
father,
10 Johns.
93; 25 N. Y.
290; 42
Barb. 224.

Proceed-
ings against
father out
of the
county.

Indorse-
ment of
warrant.

Bond to be
taken by
justice in-
dorsing
warrant, 18
Wend. 597;

county from which she was removed or enticed, for the expense of supporting her and her child, as are provided in the case of paupers fraudulently or clandestinely removed; and an action may be maintained in the same manner for the said expenses, and for all expenses properly incurred in securing the father of such child, or in seeking to compel its support by such father or its mother. § 4, title 6, ch. 20, part 1, R. S. (1 R. S. 642.)

§ 1313. If any woman shall be delivered of a bastard child, which shall be chargeable or likely to become chargeable to any county, city or town; or shall be pregnant of a child likely to be born a bastard, and to become chargeable to any county, city or town; the superintendents of the poor of the county, or any of them, or the overseers of the poor of the town or city, or any of them, where such woman shall be, shall apply to some justice of the peace of the same county to make inquiry into the facts and circumstances of the case. § 5, same title.

§ 1314. Such justice shall, by examination of such woman on oath, and upon such other testimony as may be offered, ascertain the father of such bastard, or of such child likely to be born a bastard; and shall thereupon issue his warrant directed to any constable of the county, commanding him forthwith to apprehend such reputed father, and to bring him before such justice for the purpose of having an adjudication respecting the filiation of such bastard, or of such child likely to be born a bastard. § 6, same title.

§ 1315. If the person charged as such reputed father shall be or reside in any other county of the state than that in which such warrant issued, the justice issuing the same shall, in writing thereon, direct the sum in which any bond shall be taken of the person so charged; and it shall be the duty of the constable, or other proper officer having the same, to carry it to some justice of the city or county wherein such person resides or can be found. The justice to whom the same shall be presented, on proof being made to him of the handwriting of the justice who issued such warrant, shall indorse his name thereon, with an authority to arrest such person in the county where the justice so indorsing shall reside; which shall be a sufficient authority to the person bringing such warrant, and to all others to whom it was originally directed, to execute the same in the county where it was indorsed. § 7, same title (1 R. S. 643).

§ 1316. Upon the person so charged being apprehended, he shall be carried before the justice who indorsed the said warrant, or some other justice of the same county, who may take from such person a bond to the people of

is state, with good and sufficient sureties, in the sum so reected on the said warrant, with condition to indemnify e county, and town or city where the said bastard shall ve been born, or where the woman likely to have such stard shall be, and every other county, town or city ich may have incurred any expense, or may be put to y expense for the support of such child, or of its mother ring her confinement and recovery therefrom, against l such expenses, and to pay the costs of apprehending ch father, and of any order of filiation that may be ade; or such justice may take from the person so charged id apprehended a bond as aforesaid, in the sum directed i the said warrant, with good and sufficient sureties, nditioned that such person will appear at the next court sessions to be holden in the county where such war- nt was originally issued, and not depart the said court ithout its leave. § 8, title 6, ch. 20, part 1, R. S. R. S. 643.)

1 Hill, 290;
5 Id. 649;
8 Cow. 633;
13 Wend.
508.

§ 1317. Upon a bond being so entered into, with either the conditions aforesaid, the justice taking the same all discharge the person so apprehended from the ar- st, and shall indorse upon the warrant a certificate to at effect. He shall deliver the warrant, with the bond taken by him, to the constable who brought such war- ant, who shall deliver the same to the justice who granted e same, who shall proceed thereupon in the same man- or as if such bond had been taken by him. § 9, same ile.

Proceed- ings upon bond being executed.

§ 1318. If the person so charged and apprehended shall ot execute the bond so required, with one or other of e conditions aforesaid, to the satisfaction of the justice fore whom he shall be brought, then the constable or ther proper officer having such warrant shall take the person so apprehended before the justice who originally ssued such warrant. § 10, same title.

1b. upon failure to execute bond, 4 Cow. 252.

§ 1319. Upon the person so charged with being the lder of such bastard, or of such child likely to be born a bastard, being brought before the justice who issued e warrant for his apprehension, whether he was arrested n the same or in any other county, the said justice hall immediately call to his aid any other justice of the ame county; and the said two justices shall proceed, without unnecessary delay, to make examination of the matter, and shall again examine the mother of said bas- ard, or the woman so pregnant as aforesaid, on oath, in e presence of the person so charged or apprehended, eaching the father of such child, and shall hear any roofs that may be offered in relation thereto; and on e application of the person so charged, or of the persons

Justice to associate another. 27 Barb. 60; 13 Wend 597.

Proceed- ings by them.

appearing in behalf of the public, either of the said justices shall issue a subpoena to compel the attendance of witnesses before them which may be enforced, and the witnesses may be compelled to appear and testify, in the same manner as in any civil cause before a justice of the peace. § 11, title 6, ch. 20, part 1, R. S. (1 R. S. 644.)

Adjourn-
ment of
proceedings
21 Barb.
215; 27
d. 80.

§ 1320. If the said justices shall not be prepared to proceed, or the person charged shall require delay, and give sufficient reasons therefor, they may adjourn such examination for any time not exceeding six weeks, and shall take a bond with sureties, from such person for his appearance at such time before them in the penalty hereinafter directed. § 12, same title.

Proceed-
ings and
determina-
tion of
justices on
hearing.
5 Hill, 445;
H. & D. 377;
3 Johns. 20;
19 Wend.
185.

§ 1321. The said justices shall determine who is the father of such bastard, or of such child likely to be born a bastard, and shall proceed as follows:

1. If they determine that the person so charged and apprehended is not the father of such bastard or child, he shall be forthwith discharged.

2. If they determine that he is such father, they shall make an order of filiation, in which they shall specify the sum to be paid weekly, or otherwise, by such putative father, for the support of such bastard, or of such child likely to be born a bastard.

3. If the mother of such child be in indigent circumstances, they shall determine the sum to be paid by such putative father, for the sustenance of such mother during her confinement and her recovery therefrom.

4. They shall certify the reasonable costs of apprehending and securing the said father, and of the order of filiation.

5. They shall reduce their proceedings to writing, and subscribe the same. § 13, same title.

Costs to be
paid by per-
son ad-
judged
reputed
father, and
bond to be
entered
into. 1
Johns. 496;
8 Id. 323;
15 Id. 208;
2 Denio, 127;
6 How. 343.

§ 1322. Such person, so adjudged to be the reputed father, shall, upon notice of such order, immediately pay the amount so certified for the costs of apprehending him, and of the order of filiation; and shall enter into a bond to the people of this state, in such sum as such justices shall direct, with good and sufficient sureties to be approved by them, with one or other of the following conditions: First, that such person will pay weekly, or otherwise, as shall have been ordered, such sum for the support of the said child, and for the sustenance of its mother as aforesaid, as shall have been ordered, or shall at any time thereafter be ordered by the court of sessions of the same county; and that he will fully and amply indemnify the county and town, or city, where the said bastard shall have been born, or where the woman likely to have such bastard shall be, and every other county, town or city,

may have incurred any expense, or may be put to expense for the support of such child, or its mother, her confinement and recovery therefrom, against expenses; or, second, that such person will appear at the next court of sessions of the said county, and depart the said court without its leave.* § 14, title 6, part 1, R. S. (1 R. S. 645).

3. Upon such bond being executed to the satisfaction of the justices, they shall discharge such person from arrest. But, if he refuse or neglect to execute a bond with one of the conditions aforesaid, or to pay the said charges so certified, he shall be committed by the justices, or either of them, to the common jail of the county, by warrant, there to remain until discharged by the court of sessions, or until he shall execute a bond in the penalty which shall have been required by the justices. § 15, same title.

When father to be discharged.

When to be committed.
2 Don. 129.

4. The penalty of every bond which shall be given for the appearance of any such reputed father, before justices of the peace, or at the court of sessions, shall, in all cases, be such a sum as shall be deemed sufficient indemnity for the expense of supporting such child and its mother, as before provided. § 16, same title.

Penalty of certain bonds.
27 Barb. 60.

5. During such examination, and until such person shall be discharged by the justices aforesaid, he shall remain in the custody of the constable who apprehended him, unless a bond shall have been taken for his appearance as herein provided; and when committed to jail he shall be confined therein without being let to bail, and shall be entitled to the liberties thereof. § 17, same title.

Father how disposed of during examination, &c. 27 Barb. 60.

6. When any bond taken out of the county as aforesaid, which the person charged shall be bound to appear at the next court of sessions, shall be returned to the justice who issued the warrant, such justice shall in like manner be aided by another justice of the peace of the same county, and the said two justices shall proceed in manner aforesaid to examine and determine who is the father of such bastard, or of such child likely to be born a bastard, and shall make an order of filiation, and prescribe the sum to be paid by such putative father, for the support of such child, and for the sustenance of the mother thereof; and shall certify the reasonable costs of appearing the said father, and of the order of filiation. § 18, same title.

Proceedings in case of bond given out of the county.
13 Wend. 509.

* "court of sessions" is substituted throughout this chapter for "court of general sessions of the peace" and "court of general sessions." See Laws of 1867, c. 100.

Examina-
tion in such
case.

§ 1327. Such examination and order may be made in the absence of the person so charged, unless before the same be made he shall personally require of the justice issuing the warrant, that such examination be made in his presence; in which case reasonable notice of the time and place of such examination shall be given to the person so charged. He may appear and offer testimony in relation to the matters to be inquired into, and the same proceedings shall be had, as in the case of the person so charged being brought before such justice. § 19, title 6, ch. 20, part 1, R. S. (1 R. S. 646.)

Mother of
bastard,
how com-
pelled to
testify.
4 Wend.
555.

§ 1328. In making any examination hereby authorized, the justice or justices may compel the mother of a bastard so chargeable or likely to become chargeable, or a woman pregnant with a child likely to be born a bastard and to become so chargeable, to testify and disclose the name of the father of such bastard or child; and in case of her refusal may, after the expiration of one month from the time of her delivery, if she shall be sufficiently recovered, commit her to the common jail of the county by a warrant under his hand or the hands of such justices, in which the cause of commitment shall be distinctly set forth, there to remain until she shall testify and disclose the name of such father. § 20, same title.

Mother
when com-
pelled to
support
bastard.

§ 1329. If the mother of a bastard child chargeable or likely to become chargeable as before declared be possessed of any property in her own right, any two justices of the peace of the county where such mother may be, on the application of any county superintendent or overseer of the poor, shall examine into the matters, and in their discretion make order for the keeping of such bastard by charging such mother with the payment of money weekly, or other sustentation for the support of such child as they shall think meet. § 21, same title.

Proceed-
ings in case
of refusal.

§ 1330. If after the service of such order subscribed by the said justices upon such mother, she shall refuse or neglect to perform the same, she shall be committed to the common jail of the county, there to remain without bail until she comply with such order, unless she shall execute a bond to the people of this state in such sum as the said justices shall direct, with good and sufficient sureties, to appear at the then next court of sessions in the said county, and not to depart the said court without its leave. § 22, same title.

Amount
ordered to
be paid,
may be
reduced or
increased.

§ 1331. The justices who shall have made any order of filiation or maintenance against the father or mother of any bastard may, from time to time, vary the amount therein directed to be paid by reducing the same as circumstances may require; and upon the application of any

county superintendent or overseer of the poor interested therein, and after ten days' notice to be given to the party who may be affected thereby, the court of sessions of the county may increase the sum in and by such order directed to be paid for the support of any bastard; and the said court, on the application of any person affected by such order, and after the same notice to the superintendents or overseers at whose instance it was procured, may reduce the amount directed to be paid by any such order. § 23, title 6, ch. 20, part 1, R. S. (1 R. S. 646.)

§ 1332. Any person who shall think himself aggrieved by any order or determination of any two justices of the peace made pursuant to any authority hereby given may appeal therefrom to the next court of sessions to be holden in the same county, excepting any person who shall have executed a bond, to perform any order of filiation and settlement and to indemnify the public, who shall be concluded thereby, and shall not be permitted to appeal from any other part of such order than such as fixes the weekly or other allowance to be paid. Whenever a bond shall be entered into by a person charged as the father of a bastard, or of a child likely to be born a bastard, or by the mother of a bastard, for his or her appearance at the next court of sessions, the same shall be deemed an appeal from the order of filiation or sustenance, or both, as the case may be, and no further or other notice thereof shall be required. In other cases of appeal notice shall be given to the justices making the order and to the other party affected by such order, or to the superintendent or overseers at whose instance the same was obtained, at least ten days previously. § 24, same title. (1 R. S. 647.)

§ 1333. No justice of the peace who shall have assisted in any judgment or in making any order appealed from shall sit in the court of sessions upon the hearing of any appeal made from such judgment or order. § 25, same title.

§ 1334. The justices who shall have taken or received any bond for the appearance of any party at the sessions shall transmit the same to the clerk of the court before the opening thereof, together with the orders of maintenance and sustenance which shall have been made, or true copies thereof signed by the justices making the same. § 26, same title.

§ 1335. Subpoenas shall be issued by the clerk of the court in vacation as well as in term, and be delivered to any party to such appeal, requiring the same: and obedience to such subpoenas shall be enforced, and the wit-

Appeals from adjudications of justices. 19 Wend. 154; 5 Denio, 82.

Bond for appearance to be deemed an appeal.

Notice in other cases.

Justices making order not to sit on appeal.

Bonds, &c., when to be filed in clerk's office.

Subpoenas on appeals. 13 Wend. 274.

nesses summoned may be compelled to testify in the same manner as in criminal cases pending in such court. § 27, title 6, ch. 20, part 1, R. S. (1 R. S. 647.)

Proceed-
ings on
hearing
appeal.

§ 1336. The court to which such appeal may be made shall proceed to hear the allegations and proofs of the respective parties, and the party in whose favor any order was made, which shall be the subject of appeal, shall be required to substantiate the same by evidence. If the mother of any bastard be dead or insane, the testimony given by her on her examination shall be received in the same manner as if she were present and testified to the same. § 28, same title.

15 Barb. 286
7 Wend.
361.

Court may
affirm,
quash or
vary orders.

§ 1337. The court may affirm or quash any order of filiation or sustenance, or may reduce or increase the sum directed by any such order to be paid for the support of a bastard or for the sustenance of its mother; but no such order shall be quashed for any defects in the form thereof, but the same shall be amended by the said court according to the facts and justice of the case. If at the time of hearing such appeal the child supposed likely to be born a bastard shall not be born, the court may adjourn such hearing from time to time, until such child be born, and shall take a recognizance from all parties bound to appear. § 29, same title. (1 R. S. 648.)

When hear-
ing may be
adjourned.

In certain
cases father
to be dis-
charged.

§ 1338. If the woman so pregnant shall be married before she be delivered of such child, or if she shall miscarry so that such child shall not be born alive, or if it shall appear that she is not so pregnant, then the person charged as the father of such child shall be discharged from custody if imprisoned, or from his bond or recognizance, by the court of sessions of the county before whom such fact shall appear, or shall be immediately relieved out of custody by warrant under the hands and seals of the justices by whom he was committed, upon such fact appearing to them. § 30, same title.

On affirm-
ance of
order of
filiation,
father to
give bond.

§ 1339. If upon such hearing the court of sessions affirm the order of filiation, by which any person shall be determined to be the father of a bastard, or a child likely to become a bastard, the said court shall require such person immediately to enter into a bond to the people of this state, in such sum as it shall prescribe, with good and sufficient sureties, conditioned that such person shall pay, weekly or otherwise, as shall have been directed by the order of filiation and sustenance, such sum for the support of such bastard or child, and for the sustenance of its mother during her confinement and recovery therefrom, as shall have been so ordered by two justices of the peace, or as the same shall have been or thereafter shall be modified by the court of sessions, and that he will fully

and amply indemnify the county and town, or the county and city, where the said bastard shall have been born, or where the woman likely to have such bastard shall be, and every other county, town or city, which may have incurred any expense, or which may be put to any expense, for the support of such child or its mother, during her confinement and recovery therefrom. § 31, title 6, ch. 20, part 1, R. S. (1 R. S. 647.)

§ 1340. If any person against whom such order shall be affirmed shall refuse or neglect to execute such bond, with such sureties, to the satisfaction of the said court, he shall be committed to the common jail of the county by an order of such court, there to remain until he shall execute such bond or be discharged by the said court. § 32, same title.

Consequences of neglect.

§ 1341. If any person bound to appear at any court of sessions on the charge of being the father of a bastard, or of a child likely to be born a bastard, shall depart the said court without executing the bond it may require, or without being discharged by the said court from the bond executed by such person for his appearance, the said bond shall be thereby deemed to be forfeited, and may be prosecuted as hereinafter directed. § 33, same title.

Bond for appearance when forfeited.

§ 1342. Where the mother of any bastard shall be bound to appear at any court of sessions, to answer on account of any order made against her for the support of such bastard, or shall be committed for neglect or refusal to enter into such bond, the court shall examine into the matter, compel the attendance of witnesses, and hear the allegations and proofs of the parties, in the same manner as hereinbefore directed in the case of an appeal. § 34, same title.

Proceedings in respect to mother bound to appear, &c.

§ 1343. If the court shall be satisfied that such mother has property in her own right, so as to be able to support such bastard or contribute to its support, it shall confirm the order made for that purpose, and may, in its discretion, vary the amount ordered to be paid weekly or otherwise. If not so satisfied, the court shall discharge such woman from her bond, and, if in custody, from her imprisonment. § 35, same title.

Court may affirm, vary or discharge order.

§ 1344. If the court affirm such order, it shall require the said mother to execute a bond, in such sum as it shall prescribe, with sufficient sureties, to the people of this state, conditioned that such mother will faithfully comply with and obey the order for the support of such bastard, so made and affirmed as the same shall have been modified, or may thereafter be modified by the court of sessions. If she shall refuse or neglect to execute such bond she shall be committed by an order of the said

Proceedings on affirming order.

court to the common jail of the county, there to remain until she shall execute such bond, or until she shall be discharged by the court. § 36, title 6, ch. 20, part 1, R. S. (1 R. S. 649.)

Costs on
appeal.
18 Wend.
773.

§ 1345. The court shall award costs to the party in whose favor any such appeal shall be determined, and to any party to whom notice of appeal shall be given and not prosecuted. When awarded against any county superintendents or overseers of the poor of any town not liable for the support of its own poor, the amount shall be paid by the county treasurer on the production of a certified copy of the order, and of the taxed bill of such costs, and shall be by him charged to the town which shall be bound to support such bastard, if any town in the same county be so liable, and if there be no town so liable, then to be charged to the county. § 37, same title.

Costs on
appeal.

§ 1346. In other cases the payment of such costs may be enforced by rule and attachment of the same court, or by an action founded on the order for their payment. If the party against whom costs are awarded reside out of the jurisdiction of the court of sessions, an action may be brought on such order by the party entitled to such costs, in which the production of a certified copy of the order, and of a taxed bill of the costs shall be sufficient evidence. § 38, same title. (1 R. S. 650.)

When court
may make
original or-
der of filia-
tion.

§ 1347. If the court of sessions quash any order of filiation and maintenance, for any other reason than upon the merits and facts, such court shall proceed and make an original order of filiation, in the same manner as any two justices of the peace may, by law; or such court shall bind over the person charged to appear at the next sessions. § 39, same title.

Proceed-
ings when
order
quashed for
informality.

§ 1348. In case of any order being quashed for any other reason than on the merits, and the person charged being bound over as aforesaid, the same proceedings may be had by the justices of the peace for the apprehension of the person charged as father of a bastard, or of a child likely to be born a bastard, and for the making of an order of filiation and maintenance, and for the commitment of such person in default of executing any bond required by law, as are herein authorized in the first instance. And the same proceedings shall be subsequently had in all respects. § 40, same title.

When
father or
mother im-
prisoned,
duty of
court.

§ 1349. Whenever any person shall be committed to prison charged as the father of a bastard, or of a child likely to be born a bastard, and whenever any mother of a bastard shall be so committed, for their default in not executing a bond to support such child, or to indemnify the public, it shall be the duty of the court of sessions of the

county to inquire from time to time into the circumstances and ability of such father or mother to support such bastard, or to procure sureties to be bound with either of them. § 41, title 6, ch. 20, part 1, R. S. (1 R. S. 650.)

§ 1350. If the court shall at any time be satisfied that such father or mother is wholly unable to support such child, or to contribute to its support, or to procure sureties to be bound with either of them, the said court may, in its discretion, order such father or mother to be discharged from such imprisonment. § 42, same title.

When to be discharged.

§ 1351. Before any order for such discharge shall be entered, the court shall be satisfied that reasonable notice has been given to the overseers of the poor, or the county superintendents, at whose instance such father or mother may have been committed, of the intention to apply for such discharge, and shall hear the allegations and proofs of the said superintendents or overseers, and may examine such father or mother on oath, in relation to their circumstances. § 43, same title.

Certain notice before discharge, to be given.

§ 1352. Whenever a father or mother shall be lawfully committed for the causes in the last section specified, or either of them, he or she shall not be discharged from imprisonment under or by virtue of any insolvent act, or other act for the relief or discharge of imprisoned debtors, or in any other way, until discharged by the court of sessions of the county. § 44, same title. (1 R. S. 651.)

1 R. S. 651. Insolvent acts, &c., not to apply to persons imprisoned under this title.

§ 1353. The bonds taken by any justice or justices of the peace, for the appearance of any person charged as the father of a bastard, or of a child likely to be born a bastard, or for the appearance of any mother of a bastard child, at any court of sessions, shall be signed by the persons binding themselves as principal and sureties, and shall be transmitted by the justice taking the same, or receiving the same from any constable as herein provided, to the said court, at the opening of the next term thereof. § 45, same title.

Bonds for appearance to be signed; to be transmitted to court.

§ 1354. If any default shall be made, by which such bond shall become forfeited, the court shall cause the same to be prosecuted by the district attorney of the county, and the penalty thereof shall be recovered, and, when collected, shall be paid to the county treasurer, to be by him credited to the town liable for the support of the bastard, if there be any such town in the county, and if there be none, then to be credited to the county. § 46, same title.

How to be prosecuted, &c.

§ 1355. Whenever a bond shall be taken to perform any order that may be made in relation to the support of any bastard, or of any child likely to be born a bastard, or for the sustenance of its mother, and any breach

Prosecution of bonds to support bastards. 4 Bond. 603.

shall happen in the condition thereof, the same may be prosecuted in the name of the people of this state, by the county superintendents of the county, or the overseers of the poor of the town, which was liable for the support of such bastard or child, or which may have incurred any expense in the support of such bastard or child, or in the sustenance of its mother during her confinement and recovery therefrom. § 47, title 6, ch. 20, part 1, R. S. (1 R. S. 651.)

Proceed-
ings there-
on; what
to be
deemed a
breach.
8 Wend.
526; 4 Sand.
466; 8
Wend 520.

§ 1356. In such action the breaches of the condition shall be assigned as in actions brought on bonds with condition other than for the payment of money, and the same proceedings shall be had in all respects. It shall not be necessary to prove the actual payment of money by any county superintendent, overseer of the poor, or other person, but the neglect to pay any sum which shall have been ordered to be paid by any competent authority, for the support of the child, or the sustenance of its mother, shall be deemed a breach of the condition of such bond, and the amount of damages to be assessed in such case shall be the sum which was so ordered to be paid, and which was withheld up to the time of the commencement of such suit, with interest thereon. § 48, same title.

1 R. S. 652.
Subsequent
breaches;
application
of recovery.
4 Sand. 466.

§ 1357. For any breaches of the condition of such bond which shall happen after the recovery of any damages, or the commencement of any suit, a scire facias may be issued, and the same proceedings had as in actions brought on bonds with conditions other than for the payment of money. All moneys which shall be collected upon any such bond shall be paid to the county treasurer, and by him credited to the town liable for the support of such bastard, if there be any such town in the county, and if there be none, then to be credited to the county. § 49, same title. (1 R. S. 652.)

Costs on
judgment
for defend-
ant; how
collected.

§ 1358. If in any such suit upon a bond, in the name of the people, the same shall be discontinued, or non-prossed, or judgment shall pass for the defendant on verdict, demurrer or otherwise, the relators, and their successors in office, shall be liable to pay such costs as the court shall award; which payment may be enforced by rule and attachment of the court, and shall be re-imbursed by the county treasurer, and be by him charged to the town liable for the support of such bastard, if there be any such town in the same county, and if there be none, to the county. § 50, same title.

Giving of
bond not to
prevent ac-
tions for ex-
pense of
bastards.

§ 1359. An action may be maintained by the county superintendents of the county, or by the overseers of the poor of the town, which may be liable for the support of any bastard, or child likely to be born a bastard, or which

may have incurred any expense, or be liable to any expense, in the support of such child, or the sustenance of his mother, upon any order that may be made by any two justices of the peace, or by a court of sessions, for the payment of a sum weekly, or otherwise, for such support or sustenance, notwithstanding a bond may have been executed to comply with such order, and to indemnify any such county or town; and, in case of the death of the person against whom such order was made, an action may also be maintained on such order against his executors or administrators. But when a bond is entered into to appear at the next sessions, no action shall be brought on any such order, until the same shall have been affirmed by the said sessions. § 51, title 6, ch. 20, part 1, R. S. (1 R. S. 652)

&c. actions may be brought against executors, &c.

§ 1360. If the putative father or mother of any bastard, or of any child likely to be born a bastard and to become chargeable, shall run away from the place of their ordinary residence, leaving such bastard or child chargeable, or likely to become chargeable, to the public, the overseers of the poor of the town, or the superintendents of the poor of the county where any such bastard shall be born or be likely to be born, may apply to any two justices of the peace of the county where any estate, real or personal, of the putative father or mother of such bastard shall be, for authority to seize and take such real and personal estate. Upon due proof being made to the satisfaction of such justices of the said facts, they shall issue their warrant in the same manner as is provided in the first title of this chapter in relation to parents absconding and leaving their children chargeable; and the same proceedings, in all respects, shall be had thereon, and the overseers and superintendents shall account to the sessions, in the manner therein provided. § 52, title 6, ch. 20, part 1, R. S. (1 R. S. 652.)

Proceedings against father or mother of bastard, absconding, &c.

§ 1361. The mother of every bastard who shall be unable to support herself during her confinement and recovery therefrom, and every bastard, after it is born, shall be supported as other paupers are required to be supported by law, at the expense of the town where such bastard shall be born, if the mother have a legal settlement in such town and it be required to support its own poor; if the mother have a settlement in any town of the same county which is required to support its own poor, then at the expense of such town; in all other cases they shall be supported at the expense of the county where such bastard shall be born. § 53, same title. (1 R. S. 653.)

Mother and bastard, how to be supported.

§ 1362. Such mother and her child shall not be removed from any town to any other town in the same county, nor from one county to any other county in any

Mother not to be removed without her consent.

case whatever, unless voluntarily taken to the county or town liable for their support by the county superintendents of such county, or the overseers of the poor of such town. § 54, title 6, ch. 20, part 1, R. S. (1 R. S. 652.)

When overseers to notify superintendents of cases of bastardy.

§ 1363. The overseers of the poor of any town where a woman shall be pregnant of a child likely to be born a bastard, or where a bastard shall be born, which child or bastard shall be chargeable, or likely to become chargeable, to the county shall, immediately, on receiving information of such fact, give notice thereof to the county superintendents or one of them. § 55, same title.

Superintendents to support mother and child.

§ 1364. The county superintendents shall provide for the support of such bastard and its mother in the same manner as for the poor of such county. § 56, same title.

Until they do so, duty of overseers

§ 1365. Until the county superintendents take charge of and provide for the support of such bastard and its mother so chargeable to the county, the overseers of the poor of the town shall maintain and provide for them; and for that purpose the same proceedings shall be had as for the support of a pauper chargeable to the county who cannot be conveniently removed to the county poorhouse. § 57, title 6, ch. 20, part 1, R. S. (1 R. S. 653.)

Mother and bastard to be supported by overseers, whether chargeable to town or not.

§ 1366. Where a woman shall be pregnant of a child likely to be born a bastard, or to become chargeable to a town, or where a bastard shall be born chargeable, or likely to become chargeable, to a town, the overseers of the poor of the town where such bastard shall be born, or be likely to be born, whether the mother have a legal settlement therein or not, shall provide for the support of such child, and the sustenance of its mother during her confinement and recovery therefrom, in the same manner as they are authorized by law to provide for and support the poor of their town. § 58, same title.

Money received from parents of bastard, how to be applied; how to be accounted for.

§ 1367. Where any money shall be paid to any overseers, pursuant to the order of any two justices, by any putative father, or by the mother of any bastard, the said overseers may expend the same directly in the support of such child, and the sustenance of its mother as aforesaid, without paying the same into the county treasury. They shall annually account, on oath, to the board of town auditors, at the same time that other town officers are required to account, for expenditures of all moneys so received by them, and shall pay over the balance in their hands to their successors in office, at the same time, and under the like penalties, as are provided by law in respect to the poor moneys in their hands. § 59, same title. (1 R. S. 654.)

When received on account of bastard chargeable

§ 1368. All moneys which shall be ordered to be paid by the putative father, or by the mother of a bastard chargeable to any county, shall be collected for the bene-

such county; and all overseers of the poor, superintendents, sheriffs, and other officers, shall, within fifteen days after the receipt of any such moneys, pay the same to the county treasury. Upon neglect of any of the officers to make such payment, they shall be liable in action by and in the name of the county treasurer, for all moneys so received and withheld, with interest from the time of the receipt, at the rate of ten dollars on the hundred dollars; and shall forfeit a sum equal to so withheld, to be sued for and recovered by and in the name of the county treasurer. § 60, title 6, chapter 1, R. S. (1 R. S. 654.)

to county,
how to be
disposed of

369. Whenever any dispute shall arise concerning the legal settlement of the mother of a bastard, or of a child born or likely to be born a bastard in any town, the same shall be determined by the board of county superintendents of the poor, upon a hearing of the parties interested, in the same manner as they are authorized to determine the settlement of any poor person. § 61,

Settlement
of bastard,
how deter-
mined.

370. Where a bastard shall be born, or be likely to be born, in one town, when the legal settlement of the mother is in another town of the same county, which is required by law to support its own poor, the overseers of the poor of the town where such bastard shall be born, or likely to be born, shall give the like notice to the overseers of the town where the mother's settlement may be, as in the case of a person becoming a pauper, in the like circumstances; and the same proceedings shall be had in all respects, to determine the liability of the town, as in the case of paupers. § 62, same title.

Proceed-
ings for that
purpose.

371. The overseers of the town to which the mother of such bastard belongs may, before the confinement of the mother, or at any time after the expiration of two months after her delivery, if her situation will permit it, sue for and support such mother and her child. § 63, same title.

372. If they omit to do so, and fail to obtain the determination of the county superintendents in their opinion on the question of settlement, the town to which the mother belongs shall be liable to pay all the expenses of support of such bastard, and of its mother during confinement and recovery therefrom; which expenses, being allowed by the county superintendents, shall be assessed, together with the lawful interest on the sums so expended, on the town to which such mother belongs, and shall be collected in the same manner as taxes for poor persons supported under the same circumstances; and the moneys so collected shall be paid to

the county treasurer, for the benefit and to be credited to the town which incurred the said expenses. § 64, title 6, ch. 20, part 1, R. S. (1 R. S. 654.)

Order of justice to fix sum to be expended for bastards, &c., in certain cases.

§ 1373. In those cases where any town is required to support a bastard and its mother, whether the mother have a settlement in such town or not, and no moneys shall be received from the putative father, or from the mother, to defray the expense of such support, the overseers of the poor shall apply to a justice of the peace, and obtain an order for the support of such bastard, and the sustenance of its mother during her confinement and recovery therefrom, and the sum to be allowed therefor, in the same manner as is required in the case of paupers; and the moneys paid or contracted to be paid, by the overseer, pursuant to such order, shall be paid by the county treasurer, in the same manner as for paupers, and be charged to the town to whose officers such payment shall be made. § 65, same title. (1 R. S. 655.)

When bastard and mother to be removed to county poor-house.

§ 1374. If there be a county poor-house, or other place provided for the reception of the poor, in any county where the towns are required to support their own poor, the overseers of the poor of a town where a bastard shall be born, or shall be likely to be born, may, with the approbation of the county superintendents, or any two of them, and when the situation of the mother will allow it, remove the mother of such bastard, with her child, to such poor-house or other place, in the same manner as paupers may be removed; the expense of which shall be defrayed in the like manner, and such mother and her child shall be considered as poor of the town so liable for their support, and the expense shall in like manner be estimated and paid. § 66, title.

How supported there.

Penalty on superintendents and overseers for neglect.

§ 1375. Any superintendents of county poor, and any overseer of the poor of any town, whose duty it shall be to provide for the support of any bastard and the sustenance of its mother, who shall neglect to perform such duty, shall be deemed guilty of a misdemeanor; and shall, on conviction, be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment, not exceeding one year, or to both. § 67, same title.

Proceedings in counties where distinctions between town and county poor abolished. 17 J. R. 41.

§ 1376. In those counties where the distinction between town poor and county poor has been abolished, and in those counties which are by law liable to the support of the poor thereof, or of the poor of the towns of such county, the same proceedings may be had, and with the like effect, against the father and mother of any bastard child already born in any such county, or hereafter born

therein, or of any child likely to be born a bastard, as if such bastard was chargeable or likely to become chargeable to any town, and such proceedings may be instituted by the overseers of the poor of the town where such bastard shall be born or be likely to be born, or by the county superintendents of the poor of such county. § 1, ch. 6, 1828.

§ 1377. Superintendents of the poor in any county in this state shall have power to make such compromise and arrangements with the putative fathers of any bastard children within their jurisdiction, relative to the support of such children, as they shall deem equitable and just; and thereupon to discharge such putative father from all liability for the support of such bastards. § 2, ch. 26, 1828.

Compromise with putative father. 25 Wend. 630.

§ 1378. The commissioners of emigration, or any one or more of them, shall have and exercise the same powers and authority in relation to poor children, and in relation to children born or likely to be born bastards (where the mothers of such children born, or likely to be born, bastards are chargeable to, or receiving, or entitled to receive, support or aid from said commissioners) as are now by law conferred upon commissioners of public charities and correction, or were heretofore conferred upon or possessed by the governors or commissioners of the almshouse of the city of New York, or the commissioners of the almshouse and Bridewell of the city of New York. § 1, ch. 382, 1865.

Powers of commissioners of emigration respecting bastards, &c.

§ 1379. [The commissioners of public charities and correction]^a of the city of New York^b may make such compromise and arrangements with the putative fathers of bastard children in the said city, relative to the support of such children, as they shall deem equitable and just, and thereupon may discharge such putative father from all liability for the support of such bastards. § 68, title 6, ch. 20, part 1, R. S. (1 R. S. 655), as modified by § 5, ch. 510, 1860, and by § 8, art. 9, ch. 137, 1870.

Compromise with putative fathers in New York. 3 Hill, 116.

§ 1380. Every constable or other officer, to whom any bond of the putative father of a bastard, or of a child likely to be born a bastard, taken out of the county where the warrant was issued, shall be delivered as hereinbefore directed, who shall neglect or refuse to deliver the same to the justice who issued such warrant within fifteen days after the receipt of the same, shall forfeit the sum of twenty-five dollars, to be sued for and recovered by and in the name of any overseers of the poor, or

Penalty on constables neglecting to deliver over bonds received by them. 25 Wend. 630; 44 Barb. 246.

^a The words "The Commissioners of the Almshouse and Bridewell" of the original section omitted, and the words within the brackets inserted so as to make said section conform to the modifications made thereof by § 8, art. 9, ch. 137, 1870, and by § 5, ch. 510, 1860; see ante, §§ 663, 676 and 664.

^b Also the words "or any two of them" of said original section are omitted, so as to make the said section conform to the aforesaid modifications.

county superintendents, at whose instance the said warrant was issued. § 69, title 6, ch. 20, part 1, R. S. (1 R. S. 656.)

Mothers to receive money in certain cases.
3 Hill, 116.

§ 1381. Whenever a compromise shall be made with the putative father of a bastard child, pursuant to sections sixty-eight and sixty-nine of title six of chapter twenty of the first part of the revised statutes, the mother of such child, on giving security for the support of the child, and to indemnify the city and county, or the town and county, from the maintenance of the child, to the satisfaction of the officers making the compromise, shall be entitled to receive the moneys paid or secured by such putative father as the consideration of such compromise. § 1, ch. 202, 1838.

Or a weekly allowance.

§ 1382. When the mother of such child shall be unable to give such security, but shall be able and willing to nurse and take care of the child, she shall be paid the same weekly allowance for nursing and taking care of the child, out of the moneys paid by the father on such compromise, as he shall have been liable to pay by the order of filiation; such weekly sum to be paid the mother, may be prescribed, regulated or reduced as in the case of an order of filiation. § 2, same ch.

Justice indorsing warrant under this title, not liable.

§ 1383. No justice of the peace shall be liable to any information, indictment, action of trespass or other action, by reason of his having indorsed any warrant issued for the apprehension of the putative father of a bastard, or of a child likely to be born a bastard, although it should afterward appear that such warrant was illegally or improperly issued. § 70, title 6, ch. 20, part 1, R. S. (1 R. S. 656.)

Proceedings in case of death, &c., of justice issuing warrant.

§ 1384. If any justice, who shall have issued any warrant for the apprehension of the father of a bastard, or of a child likely to be born a bastard, shall have died, vacated his office, or be absent on the return of such warrant, the constable who may apprehend such father shall carry him before some other justice of the same town, who shall have the same authority to proceed therein as the justice who issued such warrant. § 71, same title.

Fees of justices in bastardy cases.

§ 1385. Whenever any justice of the peace shall be associated with any other justice of the peace in the trial or examination of any criminal cause, or in cases of bastardy, the compensation of such justice of the peace so associated shall be two dollars for each day actually and necessarily devoted to such service. § 1, ch. 372, 1862.

CHAP. LXVI.

PRENTICES AND SERVANTS BOUND BY INDENTURES.*

- 1396. How minors may bind themselves as apprentices.
- 1397. Consent to such binding, by whom to be given.
- 1398. Consent, how signified.
- 1399. Executors may bind out minors.
- 1399. Superintendents of the poor, when may bind out children.
- 1391. Overseers of poor, what children may be bound out by.
- 1392. Indian children, consent of a justice necessary to binding out of.
- 1393. Age of infants to be inserted in indentures.
- 1394. Money paid on binding out, to be stated in indentures.
- 1395. Special agreement to be inserted in indentures by overseers.
- 1396. Duplicates of indentures by overseers and superintendents, to be deposited.
- 1397. Indentures by foreigners being minors.
- 1398. How to be acknowledged and certified.
- 1399. How such indentures may be assigned.
- 1400. Indentures, etc., invalid, unless made as herein prescribed.
- 1401. County superintendents and overseers, to be guardians of servants.
- 1402. Penalty on apprentices, etc., absenting themselves from service.
- 1403. Proceedings to compel apprentices, etc., to serve.
- 1404. For misbehavior, may be brought before two justices, etc.
- 1405. Justices, etc., to imprison offender, or discharge him from service.
- 1406. Apprentices, etc., how may be discharged for misconduct of masters.
- 1407. Last five sections not to extend to certain apprentices.
- 1408, 1409, 1410. Proceedings for misconduct of master, when money was paid, etc., on binding out.
- 1411, 1413. Proceedings in like cases, for misbehavior of apprentice, etc.
- 1413. Journeymen and apprentices not to be restrained in using their trade, etc.
- 1414. Penalties for violating last section.
- 1415. Certain indentures may be assigned by executors, with consent of apprentice.
- 1416. If consent refused, general sessions may order assignment.
- 1417. This title to apply to females as well as to males.

* General Laws relating to the binding out of children by orphan asylums &c., see ante, sections 173-181; and for special laws relating to the same &c. applicable to particular societies or corporations, see ante, "Counties."

Who may
bind them-
selves as
appren-
tices, &c.

For what
terms.

Who to con-
sent to such
binding.
9 Barb. 313;
5 Cow. 529;
14 Johns. 375

Consent to
be in writ-
ing, &c.
2 How. 379;
5 Cow. 170.

When exec-
utors may
bind out
minors.

When coun-
ty superin-
tendents
may bind
out infants.
3 How. 29;
13 J. R. 270.

§ 1386. Every male infant, and every unmarried female under the age of eighteen years, with the consent of the persons or officers hereinafter mentioned, may, of his or her own free will, bind himself or herself, in writing, to serve as clerk, apprentice or servant in any profession, trade or employment; if a male, until the age of twenty-one years, and if a female, until the age of eighteen years, or for any shorter time; and such binding shall be as valid and effectual as if such infant was of full age at the time of making such engagement.* § 1, art. 1, title 4, ch. 8, part 2, R. S. (2 R. S. 154.)

§ 1387. Such consent shall be given, 1. By the father of the infant [if the mother be dead; if the mother be not dead, then by such father and mother.] If he [the father] be dead, or be not in a legal capacity to give his consent, or if he shall have abandoned and neglected to provide for his family, and such fact be certified by a justice of the peace of the town, and indorsed on the indenture, then, 2. By the mother. If the mother be dead, or be not in a legal capacity to give such consent, or refuse, then, 3. By the guardian of such infant duly appointed. If such infant have no parent living, or none in a legal capacity to give consent, and there be no guardian, then, 4. By the overseers of the poor, or any two justices of the peace of the town, or any judge of the county courts of the county where such infant shall reside. § 2, same art., as modified by § 6, ch. 172, 1862.

§ 1388. Such consent shall be signified in writing by the person entitled to give the same, by a certificate at the end of, or indorsed upon, the indentures, and not otherwise. § 3, same art.

§ 1389. The executors of any last will of a father, who shall be directed in such will to bring up his child to some trade or calling, may bind such child to service, as a clerk or apprentice, in like manner as the father might have done if living [but if the mother be living she must, in writing, have signified her assent to such binding.] § 4, same art., as modified by § 6, ch. 172, 1862.

§ 1390. The county superintendents of the poor, in the several counties may bind out any child, under the ages above specified, who shall be sent to any county poor-house, or who is or shall become chargeable, or whose parent or parents are or shall become chargeable, to such county, to be clerks, apprentices or servants, until such child, if a male, shall be twenty-one years old, or, if a female, shall be eighteen years old; which binding shall be as effectual as if such child had bound himself with the consent of his father. § 5, same art.

* 25 B. 207; 13 B. 286; 12 B. 473; 9 B. 313; 7 B. 153; 2 B. 208; 19 J. R. 112; 14 J. R. 374; 8 J. R. 338; 6 J. R. 274; 5 Cow. 363, 527; 2 Barb. 208.

§ 1391. The overseer of the poor of any town or city, or any, in like manner, bind out any such child, who, or whose parent or parents, shall become chargeable to such town or city, or who shall have been sent to any poor-house, other than a county poor-house, with the consent in writing of any two justices of the town, or of the mayor, recorder and aldermen of any city, or of any two of them. § 6, art. 1, title 4, ch. 8, part 2, R. S. (2 R. S. 155.)

When overseers of poor.
§ Cow. 68a.

§ 1392. No child of an Indian woman shall be bound as an apprentice under the provisions of this title, except in the presence and with the consent of a justice of the peace; a certificate of which consent, signed by the justice, shall be filed with the clerk of the town in which the indenture of apprenticeship shall be executed. § 7, same art.

Indian children.

§ 1393. The ages of every infant so bound shall be inserted in the indentures, and shall be taken to be the true age, without further proof thereof; and whenever any public officers are authorized to execute any indentures, or their consent is required to the validity of the same, it shall be their duty to inform themselves fully of the infant's age. § 8, same art.

Age of infants to be inserted in indentures.

§ 1394. Every sum of money paid or agreed for, with, or in relation to, the binding out of any clerk or apprentice, shall be inserted in the indentures. § 9, same art.

Money paid &c., to be inserted.

§ 1395. Whenever any child shall be bound out by the county superintendents of the poor of any county, or by the overseers of the poor of any city or town, the indentures shall contain an agreement on the part of the person to whom such child shall be bound, that he will cause such child to be instructed to read and write, and, if a male, will cause him to be instructed in the general rules of arithmetic; and every such indenture shall also contain an agreement that the master will give to such apprentice, at the expiration of his or her service, a new bible. § 10, same art.

Special agreement to be inserted in certain cases.

§ 1396. The counterpart of any indentures executed by the county superintendents of the poor, shall be by them deposited in the office of the clerk of the county; and the counterpart of such indentures executed by any overseers of the poor, shall be by them deposited in the office of the clerk of their city or town. § 11, same art.

Certain indentures, where to be deposited.

§ 1397. Any person coming from any foreign country beyond sea, may bind himself to service, if an infant, until he attain the age of twenty-one years, or for a shorter term. Such contract of service, if made for the purpose of raising money to pay his passage, or for the payment of such passage, may be for the term of one

Indentures by foreigners being minors.
§ 5 B. 307.

year, although such term may extend beyond the time when such person will be of full age; but it shall in no case be for a longer term. § 12, art. 1, title 4, ch. 8, part 2, R. S. (2 R. S. 155.)

To be acknowledged, &c.
20 Barb. 204.

§ 1398. No contract made under the last section shall bind the servant, unless it be acknowledged by him before some mayor, recorder, or alderman of a city, or before some justice of the peace; nor, unless a certificate of such acknowledgment, and that the same was made freely, on a private examination, be indorsed upon such contract. § 13, same art. (2 R. S. 156.)

How assigned.

§ 1399. The contracts specified in the two last sections may be assigned by the master, by an instrument in writing indorsed thereon, executed in the presence of two witnesses; if such assignment be approved of, in writing, by any magistrate mentioned in the preceding section, and such approbation shall be also indorsed on the contract. § 14, same art.*

Indentures, when invalid.
9 Barb. 313;
8 Johns. 328.

§ 1400. No indenture or contract for the service of any apprentice shall be valid as against the person whose services may be claimed, unless made in the manner before prescribed in this title. § 26, art. 3, title 4, ch. 8, part 2, R. S. (2 R. S. 158.)

County superintendents and overseers to be guardians of servants.

§ 1401. The county superintendents of the poor, and the overseers of the poor of the respective cities or towns, shall be the guardians of every person bound or held in service, in their respective cities or towns, to take care that the terms of the contract of service be fulfilled, and that such person be properly used; and it is hereby made their especial duty to inquire into the treatment of every such person, and redress any grievance in the manner prescribed by law. § 27, same art.

Their duties as such.

Penalty on apprentices, &c., absenting themselves from service.

§ 1402. If any person lawfully bound to service under either of the preceding articles of this title* shall willfully absent himself from such service without the leave of his master, he shall be compelled to serve double the time of such absence, unless he shall otherwise make satisfaction for the loss and injury sustained by such absence; but such additional term of service shall not extend beyond three years next after the end of the original term of service. § 28, same art.

Apprentices, &c., how compelled to serve.
12 J. ft. 470.

§ 1403. If any such person shall refuse to serve according to the provisions of this title, or the terms of his contract or indentures, his master may apply to any justice of the peace of the county, or to the mayor, recorder, or any alderman of the city, where he shall

* The provisions of article second of title 4, chapter 8, part 2, R. S., which article is entitled "Of persons held in service," have become obsolete, and therefore said article is omitted.

reside, who shall be authorized, by warrant or otherwise, to send for the person so refusing, and if such refusal be persisted in, to commit such person, by warrant, to the bridewell, house of correction, or common jail of the city or county, there to remain until such person will consent to serve according to law. § 29, art. 3, title 4, ch. 8, part 2, R. S. (2 R. S. 159.)

§ 1404. On complaint being made on oath, by any master, touching any misdemeanor or ill behavior of any such person, to any two justices of the peace of the county, or to the mayor, recorder, and alderman of any city, or any two of them, it shall be their duty to cause the person complained of, to be brought before them, and to hear, examine and determine the complaint. § 30, same art.

Proceed-
ings
against for
misbe-
havior.

§ 1405. If the complaint appear to be well founded, the said officers may, by warrant, commit the offender to the house of correction, or to the common jail of the county, for any term not exceeding one month, there to be employed in hard labor, and to be confined in a room with no other person; or they may, by a certificate under their hands, discharge the offender from his service, and the master from all obligations to such offender. § 31, same art.

Offender
may be im-
prisoned or
discharged
from ser-
vice

§ 1406. If any master shall be guilty of any cruelty, misusage, refusal of necessary provisions or clothing, or any other violation of the provisions of this title, or of the terms of the indenture or contract, toward any such person so bound to service, such person may make complaint to any two of the officers specified in the preceding thirtieth section, who shall summon the parties before them, and examine into, hear and determine the complaint, and by certificate under their hands, discharge such person from his obligation of service. § 32, same art.

Misconduct
of master,
apprenti-
ces, &c.,
may be dis-
charged.

§ 1407. The preceding five sections shall not extend to any apprentice whose master or mistress shall have received, or shall be entitled to receive, any sum of money with him, as a compensation for his instructions. § 33, same art.

Qualifica-
tion of last
five sec-
tions.

§ 1408. In cases where money was paid, or agreed to be paid, on the binding out of any clerk or apprentice, the like complaint may be made by any person so bound to service, to any justice of the peace of the county, or any mayor, recorder or alderman of the city, in which he shall reside, who shall inquire into the matter, and make such order and direction between the master and the person bound to service, as the equity of the case may require. § 34, same art.

When
money
paid, &c.,
on binding
out; com-
plaint for
misconduct
of master.

When
master to
enter into
recogni-
zance to
appear at
sessions.

§ 1409. If the difficulty can not be compounded or reconciled, such officer shall take a recognizance from the master for his appearance at the next court of sessions^a of such county, in such sum and with such sureties as he shall approve. § 35, art. 3, title 4, ch. 8, part 2, R. S. (2 R. S. 160.)

Powers of
the court.

§ 1410. Upon a hearing of the parties, the court may discharge the person so bound to service, from his obligation, by a rule to be entered in their minutes; and may order any sum of money that shall have been paid or agreed for on the binding out of such person, or any part thereof, to be refunded, if paid, to him who advanced the same, or his personal representatives; and if not paid, they may, by order, discharge the same, and direct any securities that may have been given therefor to be delivered up or canceled. § 36, same art.

Proceed-
ings in like
cases by
master.

§ 1411. The master of any person so bound to service, where any money was paid, or agreed to be paid, on such binding out, may, in the same manner, make complaint of the misbehavior of any such person, to any such officer, who shall proceed in the same manner to inquire into the same: and he may take a recognizance from the person bound to service, for his appearance at the next court of sessions. § 37, same art.

Powers of
court of
sessions in
such cases.

§ 1412. The court may, in like manner, discharge such person from service, and order the refunding of any money so paid, or agreed to be paid, and the canceling of any such securities; and may punish such person by fine or imprisonment, or both, as for a misdemeanor. § 38, same art.

Journey-
men and
apprentices
not to be
restrained
in using
their trade,
&c.

§ 1413. No person shall accept from any journeyman or apprentice, any contract or agreement, or cause him to be bound by oath or otherwise, that, after his term of service expired, such journeyman or apprentice shall not set up his trade, profession or employment, in any particular place, shop, house or cellar; nor shall any person exact from any journeyman or apprentice, after his term of service expired, any money or other thing, for using and exercising his trade, profession or employment, in any place. § 39, same art.

Penalties.

§ 1414. Every security given contrary to the provisions contained in the last section, shall be void; any money paid, or valuable thing delivered, for the consideration, in part or in whole, of any such agreement or exaction, may be recovered back by the person paying the same, with interest; and every person accepting such agreement, causing such obligation to be entered into, or exacting

^a "Court of general sessions of the peace" in the original section.

by or other thing as aforesaid, shall forfeit one hundred dollars, to the apprentice or journeyman from whom same shall have been received. § 40, art. 3, title 4, part 2, R. S. (2 R. S. 160.)

1415. Upon the death of any master, to whom any person may have been bound to service, as clerk, apprentice or otherwise, by the county superintendents of the poor or by the overseers of the poor, the executors or administrators of such master may, with the consent of the person bound to service, signified in writing, and acknowledged before a justice of the peace, assign the contract of such service to any other person, which assignment shall vest in such assignee all the rights of the original master, and render him subject to all his obligations. § 41, same art.

Executors may assign certain indentures, with consent, &c.

1416. If the person so bound to service refuse to give consent, such assignment may be made under the sanction of an order of the court of sessions,* after four days' notice of an application to that effect, served on the apprentice, his parent or guardian, if there be any in the county, and when so made, such assignment shall be valid and effectual as if such consent had been given in the manner as aforesaid. § 42, same art. (1 R. S. 161.)

Powers of court of sessions if consent refused.

1417. The provisions of this title shall apply as well to mistresses, female guardians, apprentices and wards, respectively, as to masters, male guardians, apprentices and wards. § 43, same art.

Application of this title to females.

CHAP. LXVII.

RELATING TO CERTAIN PENALTIES AND FORFEITURES TO BE RECOVERED FOR THE BENEFIT OF THE POOR.

1418 and 1419. Overseers of the poor, in their names, to recover certain penalties against jugglers, mountebanks and common showmen.

1420. Penalty for discharging fire-arms, etc., on certain days, without military order.

1421. Gaming tables at parades, town-meetings, elections, etc., prohibited.

1422. Public officers to destroy such tables.

1423. Gaming, etc., in taverns and certain vessels and packets, prohibited.

* "Court of general sessions of the peace" in the original section.

RELIEF OF THE POOR.

- SECTION 1424. Penalties on tavern keepers, etc., and how collected.
1425. Winners at any game to forfeit five times the value won, for use of the poor.
1426. Winning or losing \$25 within twenty-four hours, a misdemeanor, etc.
1427. Persons losing at any sitting \$25, may recover it back.
1428. If not sued for by losers, may be recovered by overseers of the poor.
1429. Persons betting, playing, etc., competent witnesses.
1430. Persons liable to suit, may be compelled to answer bills of discovery.
1431. Answer not to be testimony against such persons.
1432. When and how witnesses may be discharged from certain penalties.
1433. Penalty for setting up money or property to be raffled for, to be recovered by overseers.
1434. Raffling.
1435. Contracts made and securities given on account of raffling, void.
1436. Money paid for any interest in a raffle, may be recovered back.
1437. Unauthorized lotteries declared unlawful, and common nuisances.
1438. Penalty for settling up, drawing, etc., unauthorized lotteries.
1439. Penalty for printing, publishing, etc., notices of illegal lotteries.
1440. Penalty for selling, procuring, etc., tickets, etc., in illegal lotteries.
1441. Penalty for offering for sale any property, dependent on drawing of any lottery.
1442. Property so offered for sale forfeited; how recovered and applied.
1443. Purchasers of tickets, etc., in illegal lotteries, may recover double the sum paid.
1444. Prizes drawn in illegal lotteries forfeited; how collected and applied.
1445. Offices for registering numbers of tickets in illegal lotteries, prohibited.
1446. Selling of chances in illegal lotteries, and insurance respecting their drawing, prohibited.
1447. Insuring tickets in any lottery, and publishing notice thereof, prohibited.
1448. Penalty for violating either of last three sections.
1449. Transfers of property pursuant to illegal lottery, etc. void.
1450. Certain evidence not necessary in prosecutions.
1451. Forgery of lottery tickets, etc., how punished.
1452. Grand juries to be charged to inquire into violations.
- 1453, 1454, 1455 and 1456. Overseers to sue for and recover certain penalties incurred for betting, etc., at horse races.
1457. Prohibition of certain acts, disturbing meetings for religious worship.

PENALTIES AND FORFEITURES.

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- ~~Or~~ 1458. Penalty ; proceedings to collect ; summary conviction, and when collected to go for benefit of county poor.
1459. Duty of peace-officers to apprehend certain offenders.
1460. Judicial officers may order offenders into custody.
1461. Proceedings on conviction, if penalty be not paid or secured.
1462. Persons complained of may demand a jury.
1463. Cost of the jury to be added on conviction.
1464. Certain goods exposed for sale on Sunday to be forfeited and sold, and proceeds thereof to be paid to the overseer of the poor.
1465. Proceedings to collect penalties.
1466. Such prosecutions to be commenced within twenty days.
1467. Execution to collect penalties ; its contents.
1468. Certificate of conviction to be filed with county clerk.
1469. Amount of fees allowed ; by whom to be paid.
1470. No person to peddle without license.
1471. Penalty for peddling without license, or contrary to terms of it, and to go to benefit of the poor.
1472. Penalty for refusing to show license when demanded.
1473. Any citizen may apprehend a person found peddling without license, &c.
1474. Duty of justice before whom such peddler may be taken.
1475. In prosecutions for certain penalties, when no costs allowed to defendant.
1476. No suit to be maintained unless brought within sixty days after offense.
1477. Persons sued, when may plead general issue, &c.

§ 1418. No person shall exhibit or perform for gain or profit any puppet-show, any wire or rope dance, or any other idle shows, acts or feats which common showmen, mountebanks or jugglers usually practice or perform ; and no owner or occupant of any house, outhouse, yard, shed or other place shall furnish or allow the same to be used for the accommodation of such exhibition or performance. Whoever shall offend against either of the provisions shall forfeit twenty-five dollars for each offense, to be recovered by and in the name of the overseers of the poor of the town where the offense shall be committed. § 1, art. 1, title 8, ch. 20, part 1, R. S. R. S. 660.)

Penalty for performing puppet shows, &c.
12 Wend., 381.
13 Barb., 627.

§ 1419. The penalties in the preceding section shall apply to and be recovered of any person who shall exhibit for gain or profit any painting, any animal or other natural or artificial curiosity, or any other thing not prohibited in the foregoing section, in any town, without having first obtained permission in writing for that purpose, signed by two justices of the peace of the town, which license the nature of such exhibition shall describe, and for the granting of which no fee or

Ib. for exhibiting paintings, animals, &c.

reward shall be taken. § 2, art. 1, title 8, ch. 20, part 1, R. S. (1 R. S. 660.)

Discharge
of fire-
arms, on
certain
days, pro-
hibited.

§ 1420. No person shall fire or discharge any gun, pistol, rocket, squib, cracker, or other fire-work within a quarter of a mile of any building, on the twenty-fifth day of December, on the last day of December, on the first day of January, or on the twenty-second day of February, in any year, nor on the fourth day of July, or such other day as shall at the time be celebrated as the anniversary of American independence, without the order of some officer of the militia, while in the course of military exercises: every person offending against these provisions shall forfeit the sum of five dollars, to be recovered by any person who will prosecute in the name of the overseers of the poor, with their consent and under their direction, for the use of the poor. § 3, same art.

Gaming
tables at
parades,
elections,
etc., pro-
hibited.

§ 1421. On the day of any militia parade or rendezvous, or of any town meeting, or any annual or special election, or on the day of the assembling of any inhabitants of this state to celebrate the anniversary of American independence, no person shall expose to the public, or have in his possession within half a mile of the place of such parade, rendezvous, town meeting, election or celebration, any co-table, wheel of fortune, or other gaming table, or gaming machine or box; every person offending against this provision shall forfeit twenty-five dollars, to be recovered by and in the name of the overseers of the poor of the town where the offense was committed, for the use of the poor. § 4, same art. (1 R. S. 661.)

To be
destroyed.

§ 1422. It shall be the duty of all sheriffs and of all other executive, judicial or ministerial officers concerned in the administration of justice, to break, burn or otherwise destroy every such table, box and machine, so exposed or possessed contrary to the provisions of the last foregoing section. § 5, same art.

Gaming,
etc., in
taverns
and ves-
sels pro-
hibited.
13 J. R. 84.

§ 1423. There shall not be allowed or suffered any cock-fighting, playing with cards or dice, or any kind of gaming by lot or chance, within any house kept as a public inn or tavern, or in any grocery, or other place where spirituous liquors shall be licensed to be sold, nor shall there be any playing with cards or dice for gain or money, or any kind of gaming by lot or chance on board any vessel used for the transportation of passengers, or on board any packet or other boat employed in the conveyance of passengers on any canal; nor shall any billiard table or other gaming table be kept on board such vessel or boat, or within such house or place, or in any out-house, yard or garden belonging to such house or place. § 6, art 2, title 8, ch. 20, part 1, R. S. (1 R. S. 661.)

§ 1424. The master of any vessel or boat, and the keeper of any inn, tavern, grocery, or other place where spirituous liquors are licensed to be sold, who shall offend against either of the provisions of the last section, shall forfeit ten dollars for each offense, to be recovered by and in the name of the overseers of the poor of the town where any such offense shall be committed by the keeper of an inn, tavern, grocery, or other place before mentioned, and by and in the name of the overseers of the poor of any town where the offense shall be committed by any master of a vessel or boat. § 7, art. 2, title 8, ch. 20, part 1, R. S. (1 R. S. 681.)

How collected.

§ 1425. Every person who shall, at any one time or sitting, win by playing at any game, of any one or more persons, any sum or value, shall forfeit five times the value of the money or other things so won, to be recovered by and in the name of the overseers of the poor of the town, for the use of the poor. § 12, art. 3, title 8, ch. 20, part 1, R. S. (1 R. S. 662.)

Winner to forfeit five times the sum won.

§ 1426. Every person who shall win or lose at play, or by betting, at any time the sum or value of twenty-five dollars or upward, within the space of twenty-four hours, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five times the value or sum so lost or won; which, after deducting such reasonable charges of the prosecutor and witnesses as the court shall allow, shall be paid to the overseers of the poor of the town where the offense was committed, for the benefit of the poor. § 13, same art.

Penalty for winning or losing \$25.

§ 1427. Every person who shall, by playing at any game, or by betting on the sides or hands of such as do play, lose at any time or sitting, the sum or value of twenty-five dollars or upward, and shall pay or deliver the same or any part thereof, may, within three calendar months after such payment or delivery, sue for and recover the money or value of the things so lost and paid or delivered from the winner thereof. § 14, same art.

Losers of certain sums may recover them back.
4 J. R. 193;
13 Johns.
84; 15
Abb. 186;
20 How. 23.
19 N. Y. 27.

§ 1428. In case the person losing such sum or value shall not within the time aforesaid, in good faith and without collusion, sue for the sum or value so by him lost and paid and delivered, and prosecute such suit to effect without unreasonable delay, the overseers of the poor of the town where the offense was committed may sue for and recover the sum or value so lost and paid, together with treble the said sum or value from the winner thereof, for the benefit of the poor. § 15, art. 3, title 8, ch. 20, part 1, R. S. (1 R. S. 663.)

When to be collected by overseers of poor.

§ 1429. No person other than the parties in the cause shall be incapacitated or excused from testifying, touching any offense committed against any of the foregoing pro-

Persons playing, &c., competent

Penalty
for selling,
procuring,
&c., tick-
ets, &c., in
illegal lot-
teries. 3
Denio, 101;
4 Barb. 314;
1 Comst.
180.

§ 1440. No person within this state shall vend, sell or barter, furnish, supply, procure, or cause to be furnished or procured, or offer to vend, sell, barter, furnish, supply, procure, or cause to be furnished or procured, to or for any person or persons, any ticket or part or share of a ticket, or any paper or instrument purporting to be a ticket or part of a ticket, or to be a share or interest in any ticket, or any certificate of any share or interest in any ticket, or in any paper purporting to be a ticket, of any such lottery, device or game of chance not expressly authorized by law; nor shall any person be aiding, abetting or assisting in the commission of either of the said offenses. Whoever shall offend against either of these provisions shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding one year, or to both in the discretion of the court. § 29, art. 4, title 8, ch. 20, part 1, R. S. (1 R. S. 666.)

Penalty
for offer-
ing for
sale any
property
dependent
on draw-
ing of any
lottery. 3
Seld. 240.

§ 1441. No person unauthorized by special law for that purpose now existing shall offer for sale, distribution or disposition in any way any real estate, or any money, goods, articles or things in action, or any interest therein, to be determined by lot or chance, that shall be dependent upon the drawing of any authorized or unauthorized lottery within or out of this state; nor shall any person sell, furnish or procure, or cause to be sold, furnished or procured in any manner whatsoever, any chance, share or portion, or any interest of any kind whatsoever in any property so illegally offered for sale, distribution or disposition as aforesaid, or any ticket or other evidence of any chance or interest in such property, to be determined by any drawing as aforesaid, or any instrument purporting to be such ticket or evidence. Whoever offends against either of these provisions shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding one year. § 30, same art.

Property
so offered
for sale,
forfeited;
how recov-
ered and
applied to
support of
poor. 3
Seld. 240.

§ 1442. All property so offered for sale, distribution or disposition, against the provisions of law, shall be forfeited to the people of this state, as well before as after the determination of the chance on which the same was dependent; and it shall be the duty of the respective district attorneys to demand, sue for and recover, in behalf of this state, all property so forfeited, and to maintain the proper actions for the same after demand made, and to pay the proceeds of the sale of such property, and any moneys that may be collected in any such suit, into the county treasury for the benefit of the poor. § 31, same art.

§ 1443. Any person who shall purchase any share, ticket, certificate of any share or interest, or part of a ticket, or any paper instrument purporting to be a ticket or share or interest in any ticket, or purporting to be a certificate of any share or interest in any ticket, or any portion of an illegal lottery, may sue for and recover double the sum of money and double the value of any goods or things in action which he may have paid or delivered in consideration of such purchase, with double costs of suit. § 32, art. 4, title 8, ch. 20, part 1, R. S. (1 R. S. 667.)

Purchasers of tickets, &c., to recover double the sum paid.

§ 1444. Any prize that shall be drawn in any lottery forbidden by law shall be forfeited to the use of the poor; and it shall be the duty of the overseers of the poor of the town where the person or persons drawing such prize, or any of them, shall reside, to sue for the same in their names; and they shall recover the same in an action for money had and received, founded upon this statute. § 33, same art.

Prizes in illegal lotteries, forfeited to the poor. Duty of overseers.

§ 1445. No person shall open, set up, exercise or keep by himself, or by any other person or persons, any office or other place for registering the numbers of any ticket in any lottery not authorized by the laws of this state; nor shall any person by printing, writing or otherwise, publish the setting up, opening or using of any such office or other place. § 34, same art.

Registering offices prohibited.

§ 1446. No person shall sell the chance or chances of any ticket in any lottery not authorized by the laws of this state; nor shall any person insure for or against the drawing of any such lottery. § 35, same art.

Selling chances, insuring, &c.

§ 1447. No person shall insure or receive any consideration for insuring for or against the drawing of any ticket or tickets in any lottery whatever, whether authorized by law or not; nor shall any person receive any money or goods, or thing in action in consideration of any agreement to repay any sum or sums, or to deliver the same or any other goods or thing in action, if any ticket or tickets in any lottery whatever shall prove fortunate or unfortunate, or shall be drawn or not drawn on any particular day, or in any particular order, or otherwise howsoever; nor shall any person promise or agree to pay any sum of money, or to deliver any goods or thing in action, or to do or forbear to do any thing for the benefit of any other person or persons, with or without consideration, upon any event or contingency dependent on the drawing of any ticket or tickets, or the number or numbers of any tickets in any lottery whatever; nor shall any person publish any notice or proposal for any of the purposes aforesaid. § 36, same art.

Prohibition against insuring tickets in any lottery, and against publishing notice thereof, &c.

Penalty
for selling,
procuring,
&c., tick-
ets, &c., in
illegal lot-
teries. 3
Denlo, 101;
4 Barb. 314;
1 Comst.
180.

§ 1440. No person within this state shall vend, sell or barter, furnish, supply, procure, or cause to be furnished or procured, or offer to vend, sell, barter, furnish, supply, procure, or cause to be furnished or procured, to or for any person or persons, any ticket or part or share of a ticket, or any paper or instrument purporting to be a ticket or part of a ticket, or to be a share or interest in any ticket, or any certificate of any share or interest in any ticket, or in any paper purporting to be a ticket, of any such lottery, device or game of chance not expressly authorized by law; nor shall any person be aiding, abetting or assisting in the commission of either of the said offenses. Whoever shall offend against either of these provisions shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding one year, or to both in the discretion of the court. § 29, art. 4, title 8, ch. 20, part 1, R. S. (1 R. S. 666.)

Penalty
for offer-
ing for
sale any
property
dependent
on draw-
ing of any
lottery. 3
Seid. 240.

§ 1441. No person unauthorized by special law for that purpose now existing shall offer for sale, distribution or disposition in any way any real estate, or any money, goods, articles or things in action, or any interest therein, to be determined by lot or chance, that shall be dependent upon the drawing of any authorized or unauthorized lottery within or out of this state; nor shall any person sell, furnish or procure, or cause to be sold, furnished or procured in any manner whatsoever, any chance, share or portion, or any interest of any kind whatsoever in any property so illegally offered for sale, distribution or disposition as aforesaid, or any ticket or other evidence of any chance or interest in such property, to be determined by any drawing as aforesaid, or any instrument purporting to be such ticket or evidence. Whoever offends against either of these provisions shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine not exceeding five hundred dollars, or to imprisonment not exceeding one year. § 30, same art.

Property
so offered
for sale,
forfeited;
how recov-
ered and
applied to
support of
poor. 3
Seid. 240.

§ 1442. All property so offered for sale, distribution or disposition, against the provisions of law, shall be forfeited to the people of this state, as well before as after the determination of the chance on which the same was dependent; and it shall be the duty of the respective district attorneys to demand, sue for and recover, in behalf of this state, all property so forfeited, and to maintain the proper actions for the same after demand made, and to pay the proceeds of the sale of such property, and any moneys that may be collected in any such suit, into the county treasury for the benefit of the poor. § 31, same art.

§ 1443. Any person who shall purchase any share, interest, ticket, certificate of any share or interest, or part of a ticket, or any paper instrument purporting to be a ticket or share or interest in any ticket, or purporting to be a certificate of any share or interest in any ticket, or in any portion of an illegal lottery, may sue for and recover double the sum of money and double the value of any goods or things in action which he may have paid or delivered in consideration of such purchase, with double costs of suit. § 32, art. 4, title 8, ch. 20, part 1, R. S. (1 R. S. 667.)

Purchasers of tickets, &c., to recover double the sum paid.

§ 1444. Any prize that shall be drawn in any lottery forbidden by law shall be forfeited to the use of the poor; and it shall be the duty of the overseers of the poor of the town where the person or persons drawing such prize, or any of them, shall reside, to sue for the same in their names; and they shall recover the same in an action for money had and received, founded upon this statute. § 33, same art.

Prizes in illegal lotteries, forfeited to the poor. Duty of overseers.

§ 1445. No person shall open, set up, exercise or keep by himself, or by any other person or persons, any office or other place for registering the numbers of any ticket in any lottery not authorized by the laws of this state; nor shall any person by printing, writing or otherwise, publish the setting up, opening or using of any such office or other place. § 34, same art.

Registering offices prohibited.

§ 1446. No person shall sell the chance or chances of any ticket in any lottery not authorized by the laws of this state; nor shall any person insure for or against the drawing of any such lottery. § 35, same art.

Selling chances, insuring, &c.

§ 1447. No person shall insure or receive any consideration for insuring for or against the drawing of any ticket or tickets in any lottery whatever, whether authorized by law or not; nor shall any person receive any money or goods, or thing in action in consideration of any agreement to repay any sum or sums, or to deliver the same or any other goods or thing in action, if any ticket or tickets in any lottery whatever shall prove fortunate or unfortunate, or shall be drawn or not drawn on any particular day, or in any particular order, or otherwise howsoever; nor shall any person promise or agree to pay any sum of money, or to deliver any goods or thing in action, or to do or forbear to do any thing for the benefit of any other person or persons, with or without consideration, upon any event or contingency dependent on the drawing of any ticket or tickets, or the number or numbers of any tickets in any lottery whatever; nor shall any person publish any notice or proposal for any of the purposes aforesaid. § 36, same art.

Prohibition against insuring tickets in any lottery, and against publishing notice thereof, &c.

Penalty
for violat-
ing three
last sec-
tions.

§ 1448. Whoever shall offend against any of the provisions contained in the three preceding sections shall be deemed guilty of a misdemeanor; and, on conviction, shall be liable to a fine not exceeding one thousand dollars, or to imprisonment not exceeding one year. § 37, art. 4, title 8, ch. 20, part. 1, R. S. (1 R. S. 667.)

Certain
transfers
of prop-
erty, void.

§ 1449. Every grant, bargain, sale, conveyance or transfer of any real estate, or of any goods, chattels, things in action, or any personal property, which shall hereafter be made in pursuance of any lottery not authorized by the laws of this state, or for the purpose of aiding and assisting in such lottery, game or other device to be determined by lot or chance, are hereby declared void and of no effect. § 38, same art. (1 R. S. 668.)

Evidence
in pros-
ecutions
under this
article.

§ 1450. It shall not be necessary in the trial of any suit or prosecution under the provisions of this article, to prove the existence of any lottery in which any ticket, share or part of a ticket purports to have been issued, or the actual signing of any such ticket or share, or of any pretended ticket or share, of any pretended lottery; nor that any ticket, share or interest was signed or issued by the authority of any manager, or of any person assuming to have authority as manager; but in all cases, proof of the sale, furnishing, bartering, or procuring of any ticket, share or interest therein, or of any instrument purporting to be a ticket or part or share of any ticket, shall be conclusive evidence that such ticket, share or interest was signed and issued according to the purport thereof. § 52, same art. (1 R. S. 671.)

Forgery of
lottery
tickets,
&c.

§ 1451. If any person shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any ticket of any lottery, or other game or device of chance, or any share or interest, or any certificate of any share or interest in any ticket of any lottery, or other game or device of chance, with intent to defraud any person or body corporate whatsoever, or shall utter or publish as true, or shall sell or exchange, or offer for sale or exchange, any false, altered, forged or counterfeited ticket of any lottery or other game or device of chance, or of any share or interest, or of any certificate of any share or interest in any ticket of any lottery, with intention to defraud any person or body politic or corporate whatsoever, knowing the same to be false, altered, forged or counterfeited, then any such person being thereof convicted shall be subject to imprisonment as prescribed by law. § 53, same art.

Grand
juries to
be charged

§ 1452. It shall be the duty of the presiding judge of every court of oyer and terminer and every court of ses-

is, specially to charge every grand jury to inquire respecting this article.
of all violations of the laws against lotteries, and against
the unlawful selling of tickets in lotteries. § 54, art. 4,
ch. 8, ch. 20, part 1, R. S. (1 R. S. 672.)

§ 1453. Every person who shall contribute or collect, Penalty for
solicit any other person to contribute or collect, any contribu-
money, goods or things in action, for the purpose of ting or col-
taking up a purse, plate or other valuable thing, to be lecting
sued for by any animal contrary to law, or to be given purse, &c.
the owner or rider of any animal so racing contrary to to be raced
law, shall forfeit twenty-five dollars, to be sued for and for.
covered by and in the name of the overseers of the poor
the town where the offense may be committed. § 57,
ch. 5, title 8, ch. 20, part 1, R. S. (1 R. S. 673.)

Overseer
of poor.

§ 1454. The owner, in the whole or in part, of any Penalty on
animal that shall be used or employed by his permission owners of
privilege in racing, contrary to law, shall forfeit the value horses, &c.
of the animal so employed. Every person concerned in and on
making any bet or wager upon the event of any illegal persons
race, or in contributing to the stakes to be awarded upon betting.
any such event, shall forfeit the amount of the bet or 10 Wend.
wager so made, or of the sum or thing so contributed. 99.
The said forfeitures may be sued for and recovered by
the overseers of the poor of the town where the offense
may be committed. § 58, same art.

Overseer
of poor.

§ 1455. All racing and running of animals for the trial Racing in
speed within the town of New Utrecht, in the county New
of Kings, whether the same be for any bet, wager or Utrecht.
stakes, or not, shall be deemed a misdemeanor, and the Kings
parties concerned therein shall, on conviction, be liable county,
to fine and imprisonment, as declared in the preceding prohibited.
fifty-fifth section. § 59, same art.

§ 1456. The owner, in whole or in part, of any animal Penalty.
that shall be used or employed, by his permission or See Kings
privilege, in racing, in the town of New Utrecht, contrary county,
to the provisions of the preceding section, shall forfeit ante.
the value of the animal so employed, to be sued for,
recovered and applied as directed in the preceding fifty-
fifth section. § 60, same art.

§ 1457. No person shall willfully disturb, interrupt or Meetings
disturb any assemblage of people met for religious wor- for relig-
ship by profane discourse, by rude and indecent behavior, ious wor-
by making a noise either within the place of worship ship not
so near it as to disturb the order and solemnity of the to be dis-
meeting; nor shall any person within two miles of the turbed.
place where any religious society shall be actually assem- 6 Barb. 317.
bled for religious worship, expose to sale or gift any Liquor not
lent or distilled liquors, or keep open any huckster- to be sold.
shop in any other place, inn, store or grocery than such 8 Wend. 24.
shall have been duly licensed, and in which such per- 24 N. Y. 142.

- Shows, &c., not to be exhibited; nor racing or gaming. son shall have usually resided or carried on business; nor shall any person, within the distance aforesaid, exhibit any shows or plays, unless the same shall have been duly licensed by the proper authority; nor shall any person, within the distance aforesaid, promote, aid or be engaged in any racing of any animals, or in any gaming, of any description; nor shall any person obstruct the free passage of any highway to any place of public worship within the distance aforesaid. § 64, art. 7, title 8, ch. 20, part 1, R. S. (1 R. S. 674.)
- Highways not to be obstructed. § 1458. Whoever shall violate either of the provisions of the foregoing section may be convicted summarily before any justice of the peace of the county, or any mayor, recorder, alderman or other magistrate of any city where the offense shall be committed, and on such conviction shall forfeit a sum not exceeding twenty-five dollars, for the benefit of the poor of the county. § 65, same art.
- Penalty. Proceedings to collect for benefit of county poor. 17 Wend. 312. § 1459. It shall be the duty of all sheriffs and their deputies, coroners, marshals, constables and other peace officers, who may be present at the meeting of any assembly for religious worship, which shall be interrupted or disturbed in the manner herein prohibited, to apprehend the offender and take him before some justice of the peace or other magistrate authorized to convict as aforesaid, to be proceeded against according to law. § 66, same art. (1 R. S. 675.)
- Offenders to be apprehended by peace officers present. 9 Wend. 62; 10 id. 377; 19 J. R. 40. § 1460. All judges, mayors, recorders, aldermen and justices of the peace, within their respective jurisdictions, upon their own view of any person offending against the provisions of this article, may order the offender into the custody of any officer in the preceding section named, or of any official member of the church or society so assembled and disturbed, for safe-keeping until he shall be let to bail or a trial for such offense be had. § 67, same art.
- May be ordered into custody by judicial officers. 8 Wend. 253. § 1461. If any person convicted of any of the offenses herein prohibited shall not immediately pay the penalty incurred, with the costs of the conviction, or give security to the satisfaction of the officer before whom the conviction shall be had, for the payment of the said penalty and costs within twenty days thereafter, he shall be committed by warrant to the common jail of the county until the same be paid, or for such term, not exceeding thirty days, as shall be specified in the warrant. § 68, same art.
- Proceedings if penalty be not paid or secured. 19 Wend. 546; 19 J. R. 40. § 1462. From and after the passage of this act it shall and may be lawful for any person who may be complained of for a violation of any of the provisions of the article hereby amended (art. 7, title 8, ch. 20, part 1, R. S.), before the court shall proceed to investigate the merits of the cause, to demand of such court that he may be tried
- Person complained of may demand a jury.

y. Upon such demand it shall be the duty of the sheriff to issue a venire to any constable of the county or of the city where the offense is to be tried, directing such officer to summon the same number of jurors in the same manner as is provided for the impaneling of jurors before courts of special sessions. The court shall proceed to impanel a jury for the said cause in the same manner, and shall be subject to all the rules and regulations, prescribed in the act relating to trials by jury in courts of special sessions. § 78, 1834.

k. In addition to the costs allowed by law for costs of action under the article hereby amended, all the expenses consequent upon a trial by jury shall be added and the party offending, in case of conviction, and the same as is allowed by law in civil cases. § 79, ch. 20, part 1, R. S. 676.

l. No person shall expose to sale any wares, merchandise, fruit, herbs, goods or chattels on Sunday, except milk and fish, which may be sold at any time before one o'clock in the morning; and the articles so exposed for sale shall be forfeited to the use of the poor, and may be seized by virtue of a warrant for that purpose by any justice of the peace of the county, or recorder or alderman of the city, is hereby authorized, upon a conviction of the offender. When the goods so seized shall be sold on one day's notice being given, the proceeds shall be paid to the overseers of the poor of the town or city. § 71, art. 8, title 8, ch. 20, part 1, R. S. 676.)

m. Whenever complaint shall be made to any justice of the peace, mayor, recorder or alderman, of a violation of either of the provisions contained in the three preceding articles (articles 6, 7 and 8, title 8, ch. 20, part 1, R. S. 676) relative to profane swearing, the disturbance of meetings or the observance of Sunday, or when such violations shall happen in the presence of a justice of the peace, he shall cause the offender to be brought before him, and shall proceed summarily to inquire into the facts; and if the person charged be found guilty, a conviction shall be made and signed by such justice of the peace before issuing any process to enforce the same, and such conviction shall be final, and shall not be re-examined on the merits in any court. § 73, art. 9, title 8, ch. 20, part 1, R. S. 676.)

n. No prosecution shall be maintained for any of the offenses specified in the preceding section, unless the same shall be instituted by the actual issuing of process to arrest the offender, or by his actual appearance to answer the complaint, within twenty days next after the

Goods not to be sold on Sunday.

May be seized and forfeited and sold, and proceeds to go to the poor.

Proceedings to collect penalties imposed. 9 Wend. 62; 10 Id. 377.

Time limited for prosecuting.

	offense committed. § 74, art. 9, title 8, ch. 20, part 1, R. S. (1 R. S. 677.)
Execution to collect penalties.	§ 1467. Upon a conviction being had for any of the offenses in the last three articles specified, where no other special provision is made for the collection of the penalties incurred, the magistrate before whom the same is made shall issue an execution to any constable of the county, commanding him to levy the said penalties and the costs of the conviction, by distress and sale of the goods and chattels of the offender; and in case sufficient goods and chattels cannot be found, then to commit such offender to such common jail of the county for such time as shall be specified in such execution, not less than one day nor more than three days. § 75, same art.
Certificate of conviction, when and where to be filed.	§ 1468. Within thirty days after any such conviction shall be had, the magistrate making the same shall cause to be filed in the office of the clerk of the county a certificate of such conviction, briefly stating the offense charged, the conviction and judgment thereon; and if any fine has been collected, the amount thereof, and to whom paid. § 76, same art.
Fees of justices and officers.	§ 1469. In all prosecutions for any of the offenses specified in the three last articles, the like fees shall be allowed and taken as in civil suits before justices of the peace, which shall in no case exceed five dollars, and be paid by the party offending, over and above the penalties incurred; but in case of the imprisonment of the offender, no charges or fees shall be allowed. § 77, same art.
Peddlers to obtain license.	§ 1470. No person shall be authorized to travel from place to place within this state for the purpose of carrying to sell or exposing to sale any goods, wares or merchandise of the growth, produce or manufacture of any foreign country, unless he shall have obtained a license as a hawker and peddler in the manner hereinafter directed. § 1, title 4, ch. 17, part 1, R. S. (1 R. S. 575.)
Penalty for peddling without license, and to go to the poor.	§ 1471. Every person who shall be found traveling and trading within this state, contrary to the provisions of the first section of this title (section 1470), or contrary to the terms of any license that may have been granted to him as a hawker or peddler, shall, for each offense, forfeit the sum of twenty-five dollars to the use of the poor of the town in which the offense shall be committed. § 6, same title. (1 R. S. 576.)
Penalty for refusing to produce license.	§ 1472. Every person so trading who shall refuse to produce a license as a hawker or peddler to any officer or citizen who shall demand the same, shall, for each offense, forfeit the sum of ten dollars to the overseers of the poor of the town in which the demand shall be made, for the use of the poor therein; and every such offender who, after notice, shall refuse or neglect to pay the above pen-

shall be committed by the justice before whom the
tion shall be had to the jail of the county in which
ense shall have been committed for the term of one
§ 7, title 4, ch. 17, part 1, R. S. (1 R. S. 576.)

73. Any citizen may apprehend and detain any
who shall be found trading as a hawker or peddler
it license, or contrary to the terms of his license, or
all refuse to produce a license, in violation of the
ions of this title; and may convey the offender
any justice of the peace in the town or county in
he shall be apprehended. It shall be the duty of
erseers of the poor of the several towns of this state
orce the provisions of the law in the manner herein
ibed whenever any violation thereof within their
tive towns shall come to their knowledge. § 8,
itle, as amended by § 3, ch. 70, 1840.

Proceed-
ing there-
on.

Duty of
overseers
of the
poor.

74. It shall be the duty of such justice, if a sufficient
to authorize such trading be not produced to him,
he fact of trading be proved to him, either by the
sion of the person so apprehended or the oath of
tent witnesses, to convict the offender of such
as against this title as shall be so confessed or
d; and to issue his warrant on each conviction,
ed to some constable of the county in which the
tion shall be had, commanding such constable to
the sum of twenty-five dollars, with costs not to
l five dollars, to be forthwith levied by distress and
public vendue of the goods, wares and merchan-
f the offender. The moneys collected on such war-
exclusive of the costs, shall be paid by the justice to
erseers of the poor of the town in which the offense
ave been committed. § 9, same title.

It.

Moneys
collected
to be paid
to the
overseers.

75. In every case of a prosecution against any per-
r the recovery of any penalty given in this title, no
hall be allowed to the defendant if it shall appear
efore the commencement of the prosecution such
lant had refused to produce his license or to disclose
me when lawfully required; nor in such case shall
endant be entitled to maintain any action against
erson prosecuting him, or the constable or other
by whom he may have been apprehended, or the
e issuing any warrant or other process against him,
ore whom he may have been tried, for any of their
n so prosecuting, apprehending or trying him.
same title.

Costs.

Defendant
when not
entitled to
maintain
action.

76. No suit or prosecution for the recovery of any
y imposed in this title shall be maintained, unless
l appear to be brought within sixty days after the
ision of the offense charged. § 11, same title. (1
577.)

Limita-
tion of
suits.

Pleading
and evi-
dence.

Treble
costs.

§ 1477. Every person who shall be sued for putting in execution this title, or doing any matter or thing pursuant to its provisions, may plead the general issue and give the special matter in evidence; and if the plaintiff in any such suit shall not prevail the defendant shall be entitled to recover treble costs. § 12, title 4, ch. 17, part 1, R. S.

CHAPTER LXVIII.

BENEVOLENT AND CHARITABLE ASSOCIATIONS AND SOCIETIES.

SECTION 1478. Formation of such institutions.

1479. Re-organization authorized.

1480. Corporations, when deemed formed. They may have, and use a common seal; may sue and be sued; their authority to take and hold property, and to elect or appoint officers or agents.

1481. Trustees, their election, the classification and the mode of forming board of trustees; vacancies among trustees and in board thereof, how to be supplied, &c.

1482. Dissolution of corporation, not to be caused by omission to hold election of trustees, &c.

1483. Provisions of chapter 319 of 1848, not to extend or apply to certain societies.

1484. Bequests and devises to such societies limited.

1485. Liabilities of trustees for debts.

1486. Institutions formed under this act subject to visitation by supreme court justices, or by any person or persons appointed by the supreme court for that purpose. Certificate to be made by trustees in December in each year and filed with county clerk; what such certificate to contain.

1487. Powers and liabilities of societies formed under act of 1848.

1488. Power reserved to the legislature over corporations formed under said act.

1489. Mortgaging of real estate of benevolent and charitable and other societies, how and when to be authorized, &c.

1490. Leasing and selling real estate of such societies, how and when to be authorized.

1491. Reports to be made by orphan asylums and benevolent associations before moneys appropriated to them can be paid; annual reports to be made to the legislature.

1492. School moneys, orphan asylum societies to share in, and such societies to be subject to certain rules and regulations of common schools.

78. Any five or more persons, of full age, citizens of the United States, a majority of whom shall be citizens, and residents within, this state, who shall desire to associate themselves together for benevolent, charitable, scientific, historical and literary, missionary, or other Sabbath school purposes, may make, and acknowledge, before any person authorized to take the acknowledgment of deeds in this state, and the office of the secretary of state, and also in the office of the clerk of the county in which the business of such society is to be conducted, certificates in which shall be stated the name or title by which such society shall be known in law, the particular objects and objects of such society, the number of trustees or directors or managers to manage the same, and the names of the trustees, directors or managers of such society for the first year of its existence; but such certificate shall not be filed, unless by the written consent and approbation of one of the justices of the supreme court of the district in which the place of business or principal office of such society shall be located, to be inscribed on such certificate. § 1, ch. 319, 1848,* as amended by ch. 302, 1857, by ch. 239, 1861, and by ch. 302, 1862. * "Act for the incorporation of benevolent, charitable, scientific and missionary purposes," passed April 12, eighteen hundred and forty-eight, shall be deemed to authorize the incorporation of any society for the purpose of establishing and maintaining any educational institution or chapel, or place of Christian worship, or parsonage, rectory or official residence of any bishop, or minister of any Christian church or association. § 51,* 1870.]

Organization of benevolent societies.
§ 1 B. 108.
§ 1 B. 98.
24 How. 218

Ch. 319,
1848, what
deemed to
authorize.

This act shall apply as well to societies heretofore organized under the aforesaid act, as to those which shall hereafter be organized. § 5, same ch.]

Act, how
to apply.

The directors of any corporation, organized under any law or act for the formation of companies, in whose certificate of incorporation any informality may appear by reason of an omission of any matter required to be therein stated, are hereby authorized to make and file an amended certificate or certificates of incorporation, conforming to the general act under which said corporation was organized; and upon the making and filing of such amended certificate, the said corporation shall, for all purposes, be deemed and taken to be a corporation

How omissions in proceedings to organize corporations remedied.

* Act for the incorporation of Benevolent, Charitable, Scientific and Literary Societies," passed April 12, 1848, as subsequently amended.
* To amend the "Act for the incorporation of Benevolent, Charitable and Missionary Societies," passed April twelfth, eighteen hundred and forty-eight." Passed March 8, 1870; three-fifths being present.

from the time of filing such original certificate. § 1, ch. 135, 1870.]

Existing
suits not
affected.

[Nothing in this act contained shall in any manner affect any suit or proceeding, at the time of filing such amended certificate, pending against said corporation, or impair any rights already accrued. § 2, same ch.]

Re-organ-
ization au-
thorized.

§ 1479. The trustees, directors or stockholders of any existing benevolent, charitable, scientific, or missionary corporation may, by conforming to the requirements of the first section (sec. 1478) of the act hereby amended (ch. 319, 1848), re-incorporate themselves or continue their existing corporate power for the period limited by the act hereby amended, and all the property and effects of such existing corporation shall vest in and belong to the corporation so re-incorporated or continued. § 2, ch. 273, 1849.

When to
become
bodies
politic and
corporate.

§ 1480. Upon filing a certificate as aforesaid (under section 1478), the persons who shall have signed and acknowledged such certificate, and their associates and successors, shall thereupon, by virtue of this act, be a body politic and corporate by the name stated in such certificate, and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued; and they and their successors may have and use a common seal, and the same may alter and change at pleasure; and they and their successors, by their corporate name, shall, in law, be capable of taking, receiving, purchasing and holding real estate, for the purpose of their incorporation, and for no other purpose, to an amount not exceeding the sum of fifty thousand dollars in value, and personal estate, for like purposes, to an amount not exceeding the sum of seventy-five thousand dollars in value, but the clear annual income of such real and personal estate shall not exceed the sum of ten thousand dollars; to make by-laws for the management of its affairs, not inconsistent with the constitution and laws of this state, or of the United States; to elect and appoint the officers and agents of such society, for the management of its business, and to allow them a suitable compensation. § 2, ch. 319, 1848. [Any university or college incorporated under the said act (ch. 319, 1848) or under this act, may take and hold, by gift, grant, devise or bequest, property or endowment not exceeding in value or amount one million of dollars, subject, however, to the restriction upon devises and bequests contained in an act entitled "An act relating to wills," passed April thirteenth, eighteen hundred and sixty. § 3, ch. 51, 1870.]

Amount
of prop-
erty to be
held limit-
ed.
See § 1484.

Amount
of prop-
erty to
universi-
ties.

Election
of trus-
tees, &c.

§ 1481. The society so incorporated may annually elect, from its members, its trustees, directors or managers, at such time and place, and in such manner, as may be speci-

in its by-laws, who shall have the control and management of the affairs and funds of said society, a majority of whom shall be a quorum for the transaction of business, if not otherwise provided in the by-laws, except no such purchase, lease or sale of real estate shall be made unless two-thirds of the whole number are present at a meeting at which it is ordered; and whenever any vacancy shall happen among such trustees, directors or managers, by death, resignation, or neglect to serve, such vacancy shall be filled in such manner as shall be provided in the by-laws of such society. § 3, ch. 319, 1848,* as amended by ch. 487, 1853.

Vacancies

It shall be lawful for the trustees or managers of any society incorporated under the act aforesaid (ch. 319, 1848), or under this act, to provide in their by-laws for the classification and the mode of perpetuating the board of trustees or managers, and filling vacancies therein, as the same may occur. § 2, ch. 51, 1870.]

Classification of trustees.

482. In case it shall at any time happen that an election of trustees, directors or managers shall not be held on the day designated by the by-laws, said society shall not be dissolved, but it shall and may adjourn on any other day to hold an election for trustees, directors or managers, in such manner as may be directed in the by-laws of such society. § 4, ch. 319, 1848.

Provision in case no election is made.

483. The provisions of this act shall not extend or apply to any association or individuals, who shall, in the certificate filed with the secretary of state, or with the county clerk, use or specify a name or style the same as that of any previously existing incorporated society in this state. § 5, ch. 319, 1848, as amended by § 2, ch. 239,

Names.

484. Any corporation formed under this act shall be incapable of taking, holding or receiving any property, real or personal, by virtue of any devise or bequest contained in any last will or testament of any person whatever, the clear annual income of which devise or bequest shall not exceed the sum of ten thousand dollars; provided, no person leaving a wife, or child, or parent, shall make or bequeath to such institution or corporation more than one-fourth of his or her estate, after the payment of his or her debts, and such devise or bequest shall be valid to the extent of such one-fourth, and no such devise or bequest shall be valid, in any will which shall not have been made and executed at least two months before the death of the testator. § 6, ch. 319, 1848.*

Real and personal property may be held, &c. 27 Barb. 304.

* ante, § 1490, as to authority of universities and colleges to take and hold property.

Liability
of trus-
tees. See
next sec.,
1486.

§ 1485. The trustees of any company or organized under the provisions of this act [ex college or university incorporated under cha as amended by chap. 51, 1870], present at a authorizing the contraction of any debt, and in the passage of any resolution or order autl same, shall be jointly and severally liable fo debt, provided a suit for the collection of the be brought within one year after the debt al due and payable. § 7, ch. 319, 1848, as ame: 487, 1853, and by ch. 51, 1870.

Institu-
tions sub-
ject to vis-
itation by
justices of
supreme
court. 84
N. Y. 613.

§ 1486. All institutions formed under this s with their books and vouchers, shall be sub visitation and inspection of the justices of t court, or by any person or persons who shall b by the supreme court for that purpose, and it duty of the trustees, or a majority of them, in of December in each year, to make and file in clerk's office where the original certificate is fi cate under their hands, stating the names of and officers of such association or corporati inventory of the property, effects and liabilit with an affidavit of the truth of such certifie ventry, and also an affidavit that such associa tion has not been engaged, directly or in any other business than such as is set forth in certificate on file. § 8, ch. 319, 1848. [T section (section 1485) of the act (ch. 319, 1848 in the first section of this act, and so much of section (section 1486) as requires the trustees nually, in the county clerk's office, a certificate and affidavit, shall not be deemed applicable to and colleges incorporated as aforesaid. § 4, ch

Not to
apply to
universi-
ties and
colleges.

General
powers, 9
Barb. 99.
Right to
repeal.

§ 1487. Every corporation formed under th possess the powers and be subject to the pro restrictions contained in the third title of the chapter of the first part of the Revised Statute 319, 1848, as amended by ch. 273, 1849.

§ 1488. The legislature may at any time an or repeal any incorporation formed or created act. § 10, ch. 319, 1848.

Mort-
gaging of
real estate,
how au-
thorized.

14 Abb. 424.

§ 1489. It shall be lawful for the supreme c state, upon the application of any benevolent, scientific or missionary society, incorporated case it shall deem it proper, to make an or mortgaging of any real estate belonging to s tion, and to direct the application of the moi therefrom, by the said corporation, to such same corporation, with the consent and app the said court, shall conceive to be most for

of the society to which the real estate so mortgaged belongs. § 1, ch. 50, 1854.

§ 1490. It shall be lawful for the supreme court of this state, upon the application of three-fourths of the trustees of any benevolent, charitable, scientific, missionary society or orphan asylum incorporated by law, in case it shall deem it proper, to make an order for the leasing or sale and conveyance of any real estate belonging to such corporation, and to direct the application of the moneys arising therefrom by the said corporation to such uses as to the said court shall seem to be most for the interest of the corporation to which the real estate so leased or conveyed belongs. § 1, ch. 58, 1861.

Benevolent societies and orphan asylums when may lease or sell.

§ 1491. No moneys shall be paid from the treasury of this state, pursuant to an act of the legislature, making appropriation to any hospital, orphan asylum, benevolent association, educational, scientific, charitable or other similar institution, not under control of the state, until the president and secretary, or the managers of such institution, shall have made a report to the comptroller of the operations, purposes, financial conditions, expenditures, and management of such institutions; the said report shall bear date on the first day of October, in each year, and shall include the details of the action of the managers for the entire year previous, and particularly of the disposition of moneys appropriated by the legislature for the maintenance of said institutions, and shall be verified by the affidavit of the officers making the same. It shall be the duty of the comptroller to withhold moneys appropriated for the benefit of any such hospital, asylum, association or institutions, the managers of which shall not have complied with this requirement; and he shall transmit such reports, or a copy of them, to the legislature, together with his annual report. § 1, ch. 419, 1864. [All institutions and societies entitled by law to receive money from the state shall make an annual report to the legislature on or before the fifteenth day of January in each year, and no such money shall be paid in any such case until such report is made therein. § 3, ch. 645, 1869.]

Moneys not to be paid to orphan asylums and benevolent associations until certain reports are made.

What reports to include.

Duty of comptroller.

Annual report by certain societies and institutions.

§ 1492. The schools of the several incorporated orphan asylum societies within this state, other than those in the city of New York, shall participate in the distribution of the school moneys, in the same manner and to the same

Orphan asylum schools to share in public money.

* The provisions of the act entitled "An act making appropriations for certain public and charitable institutions, and for other purposes," ch. 401 passed April twenty-fifth, eighteen hundred and sixty-four, making the amounts appropriated by that act, or thereafter to be appropriated to the institutions, corporations, or societies therein named, a lien and charge against the real estate of the said institutions or corporations, respectively, is hereby repealed. § 3, ch. 641, 1863.

Said schools to be subject to certain rules and regulations.

extent, in proportion to the number of children educated therein, as the common schools in their respective cities or districts. § 1, ch. 261,* 1850. The schools of said societies shall be subject to the rules and regulations of the common schools in such cities or districts, but shall remain under the immediate management and direction of the said societies as heretofore. § 2, same ch.

CHAP. LXIX.

RELATING TO THE BLIND.

ARTICLE ONE.

New York State Institution for the Blind. Sections 1493-1531.

ARTICLE TWO.

New York Institution for the Blind. Sections 1532-1536.

ARTICLE THREE.

Other matters relating to Institutions for the Blind. Sections 1537-1539.

ARTICLE ONE.

NEW YORK STATE INSTITUTION FOR THE BLIND.

SECTION 1493. The governor to appoint five commissioners to select site for New York State Institution for the Blind.

1494. Powers of commissioners in making selection.

1495. Commissioners, how to obtain land; duty of state treasurer in respect to payment for the land.

1496. When site obtained, governor, secretary of state and comptroller to appoint commissioners to contract for erection of buildings; such erection, how superintended.

* An act to provide for the better education of the children in the several orphan asylums in this state other than in the city of New York. Passed April 10, 1850.

- ON 1497. Said commissioners to give their bonds.
1498. Duty of treasurer in respect to payments appropriated for purpose of this act.
1499. Last-mentioned commissioners to report to comptroller all moneys received by them and progress in erection of institution.
1500. Compensation of commissioners last named.
1501. The commissioners appointed to select site authorized to hire or lease a suitable building to be used for the blind of this state until buildings shall be finished, &c.
1502. When governor to appoint trustees, who are to serve without fees; term of office of such trustees.
1503. Applications for admission, by whom and to whom made; powers and duties of justices of the supreme court, county judges and common pleas judges in respect to.
1504. Persons to be admitted in the order of their applications, except, &c.
1505. Trustees to organize and choose a president and appoint a secretary, make by-laws, appoint superintendent and other officers.
1506. Trustees to keep records of their proceedings, and make report thereof annually to the legislature.
1507. Appropriation of \$100,000.
1508. Trustees of village of Batavia empowered to give bond or other security to the People that they will convey water to said institution.
1509. Who entitled to the privileges of the institution, when trustees to apportion applicants for admission, and how such apportionment to be made.
1510. When and how non-resident blind persons may be received in institution.
1511. How applications for admission made.
1512. Objects of the institution defined.
1513. Trustees of institution, how appointed, and their terms of office.
1514. Vacancy in board of trustees, how supplied, term of office of appointee.
1515. Trustees to receive no compensation, except mileage and not to be interested in any contract.
1516. Powers of board of trustees.
1517. Trustees to elect president, &c., and adopt common seal for institution.
1518. Treasurer to give official bond, and have custody of the funds of the institution.
1519. Superintendent and other officers and servants of the institution to be appointed by trustees, and their pay and salaries to be fixed by trustees.
1520. Furniture and apparatus, &c., by whom purchased.
1521. Duties of parents and guardians as to clothing of persons admitted into the institution.
1522. When any pupil is not supplied by friends with clothing, etc., the trustees to furnish the same and charge the same to the county, etc.

RELIEF OF THE POOR.

SECTION 1523. Accounts against counties concerned, when to be made out; duties of supervisors in respect to such accounts.

1524. Parents and pupils able to pay, duty of counties in respect to ; proviso.

1525. Books, etc., when institution to receive; bequest, when lawful.

1526. Board of trustees to keep complete records and to annually report and suggest to the legislature.

1527. Payments of state appropriations, how made.

1528. Drafts upon state treasury on behalf of institution, how made and attested.

1529. Sections 1527 and 1528 not to be construed to affect the powers of building commissioners under ch. 587 of 1865.

1530. New York Institution for the Blind to retain custody of pupils and receive pay for the same until the state institution is ready to receive the same; exception as to New York and Kings counties.

1531. Acts inconsistent with ch. 744, 1867, repealed.

Governor to appoint commissioners to select site.

§ 1493. The governor of the state of New York, by and with the consent of the senate, shall, during the present session of the legislature, appoint five commissioners for the purpose of selecting a suitable site on which to be erected the New York State Institution for the Blind. § 1, ch. 587,* 1865.

Power of commissioners; how to be exercised.

§ 1494. The said commissioners, by and with the approbation of the governor, shall have power to select and procure a site for the location of said institution; such power to be exercised first by selecting or designating any property of the state, or upon which it has a lien, suitable for that purpose; or if there be no such property, then by accepting, or receiving or purchasing, such site. § 2, same ch.

Amount which may be paid for site.

§ 1495. If the said commissioners shall procure by purchase, or by judicial proceeding obtain, the site for said institution, and a deed thereof shall be duly executed and delivered to the people of this state, the treasurer is hereby directed to pay, on the warrant of the comptroller, to the grantor or grantors of whom the said site shall be purchased as aforesaid, such sum or sums of money as may be required to pay for said site, not exceeding thirty thousand dollars. § 3, ch. 587, 1865.

Appointment of commissioners to contract for buildings.

§ 1496. At any time after such site shall be obtained by the said commissioners, the governor, secretary of state and comptroller shall appoint three commissioners to contract for the erection of buildings for such institution, if the erection of buildings be necessary, on such plan and on such terms as they, in connection with the

* "An act to authorize the establishment of the New York State Institution for the Blind." Passed April 27, 1865; three-fifths being present.

state officers aforesaid, may deem just and proper; the said last-mentioned commissioners shall superintend the erection thereof. § 4, ch. 587, 1865.

§ 1497. The said last-mentioned commissioners, before entering upon the duties of their office, shall give their bonds, with good and sufficient sureties, to be approved by the governor and comptroller, to the people of this state, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties required of them by this act. § 5, same ch.

Commissioners to give bonds.

§ 1498. The treasurer is hereby directed to pay to the said last-mentioned commissioners, on the warrant of the comptroller, such sum or sums of money as may be appropriated for said institution, and necessary for the purposes of this act; the same to be paid in installments, not exceeding the sum of ten thousand dollars at any one time; and the expenditure of each installment shall be accounted for to the comptroller before any succeeding installment shall be paid. § 6, same ch.

Duty of treasurer.

§ 1499. It shall be the duty of the said last-mentioned commissioners to make a detailed report of all the money received by them by virtue of this act, and of the progress which shall have been made in the erection of such institution, to the comptroller, on or before the first day of January next, and as often thereafter as the comptroller shall from time to time require. § 7, same ch.

Report of commissioners.

§ 1500. Each of said last-mentioned commissioners shall be allowed and paid the sum of five dollars per day for each and every day necessarily spent in the discharge of his duties, as well as all mileage, at the same rate as allowed to the members of the legislature. § 8, same ch.

Compensation

§ 1501. The commissioners named or provided for in the first section of this act shall have the power, and they are hereby authorized, if, in their judgment, the same be expedient, to hire or lease a suitable building to be used for the blind of this state, until such time as the building herein provided for shall be finished and ready for occupation. § 9, ch. 587, 1865.

Commissioners authorized to hire building temporarily.

§ 1502. As soon as suitable accommodations shall be provided, the governor shall, by and with the consent of the senate, appoint nine trustees, two from the first judicial district, and one from each of the other judicial districts, who shall take charge of said institution. Such trustees shall serve without pay, and shall hold their offices for three years and until others are appointed. § 10, same ch.

Trustees; how selected. Term of office. See post, §§ 1513-1516.

§ 1503. Application for admission into such institution shall be made to a justice of the supreme court, or of the court of common pleas, or to a county judge in the county where such applicant shall reside. Such justice

Application for admission; to whom to be made.

	or judge shall hear the application and make due inquiry into the pecuniary circumstances of such applicant, or the parents or guardians thereof, and if it shall be proved to his satisfaction that such person or the parents or guardians of such person are unable to pay for the support thereof, and that such county is entitled to send such person to such institution, he may make his order to that effect, and thereupon such person shall be sent to and admitted into such institution for a term not exceeding seven years. § 11, same ch.
Who to have preference in admission.	§ 1504. The person who shall be entitled to the benefits of this institution shall be admitted in the order of their application for admission, except that the blind children of those who shall have died in the military service of the United States, or from wounds or injuries received therein during the present rebellion, shall, in all cases, have a preference; except, however, that each county shall be entitled to admission for its blind population in indigent circumstances in the same proportion which the whole number of its blind population shall bear to the whole blind population of the state, which proportion shall be determined by the trustees; provided, however, that for each person sent by any county, such county shall pay the annual sum of fifty dollars toward the support of such person. § 12, same ch.
To what each county is entitled.	
Proviso.	
Officers.	§ 1505. Said trustees shall, as soon after their appointment as may be, meet and organize by choosing one of their number as president and appointing a secretary.
By-laws.	They shall have power to make by-laws and rules and regulations for the transaction of their business, and for the regulation and management of said institution, which institution shall be wholly under their control; and, as soon as may be necessary, they shall appoint some suitable person as superintendent, and such other officers and employees as may be necessary to properly carry on the business of said institution, and fix the compensation thereof. § 13, ch. 587, 1865.
Records and report.	§ 1506. Said trustees shall keep full and complete records of all their proceedings, and also of the business and daily transactions of such institution, in books to be provided for that purpose, and shall annually make report thereof to the legislature in and during the month of January. § 14, same ch.
Appropriation.	§ 1507. The sum of one hundred thousand dollars, ^a or

^a The sum of one hundred thousand dollars is hereby appropriated for the completion of the New York State Institution for the Blind at Batavia, and shall be applied and expended by the commissioners already appointed for that purpose, pursuant and subject to the same regulations as are specified by chapter five hundred and eighty-seven of the laws of eighteen hundred and sixty-five. § 1, ch. 320, 1867.

The sum of one hundred thousand dollars (including the sum of twenty-five thousand dollars appropriated by chapter five hundred and eighty-seven

so much thereof as may be necessary, is hereby appropriated for the purposes of this act. § 15, same ch.

§ 1508. The trustees [of the village of Batavia] shall have power to give and execute a bond or other security to the people of this state, to the satisfaction of the proper state officer or officers, conditioned that they will convey water to the said "The New York State Institution for the Blind," in conformity with such agreements as may be made for that purpose between the village of Batavia and the said state officer or officers. § 12, title 4, ch. 140, 1853, as amended by § 4, ch. 29, 1866.

Water,
contract
for supply
of.

§ 1509. All blind persons of suitable age and capacity for instruction, who are legal residents of the state, shall be entitled to the privileges of the New York State Institution for the Blind, without charge, and for such a period of time in each individual case as may be deemed expedient by the board of trustees of said institution; provided, that whenever more persons apply for admission at one time than can be properly accommodated in the institution, the trustees shall so apportion the number received, that each county may be represented in the ratio of its blind population to the total blind population of the state; and provided further, that the children of citizens who

Persons
entitled to
privileges
of the in-
stitution.

of the laws of eighteen hundred and sixty-five, and now in the hands of the state treasurer, is hereby appropriated for the completion of the New York State Institution for the Blind at Batavia, and for grading the grounds and avenues leading thereto, and shall be applied and expended by the commissioners already appointed for that purpose, pursuant and subject to the same regulations as are specified by chapter five hundred and eighty-seven of the laws of eighteen hundred and sixty-five. § 1, ch. 65, 1868.

The following appropriations for said institution have also been made by the legislature, to-wit:

For the commissioners of the New York State Institution for the Blind at Batavia, for the purchase of six and two-thirds acres of land adjoining the grounds of that institution, four thousand dollars; for furniture and apparatus for said institution, twenty-five thousand dollars; and for the education and maintenance of the pupils in said institution, the sum of thirty thousand dollars, the same to be paid in installments to the treasurer of said commissioners, upon his draft, not exceeding the sum of ten thousand dollars at any one time; and the expenditure of such installment shall be accounted for to the comptroller before any succeeding installment shall be paid. Part of § 2, ch. 717, 1868, as amended by § 1, ch. 2, 1869.

For the New York Institution for the Blind at Batavia, for furniture and other necessary expenses, ten thousand dollars, and the sum of four thousand dollars appropriated by chapter seven hundred and seventeen, laws of eighteen hundred and sixty-eight, for the purchase of land in front of said institution, is hereby re-appropriated for the general purposes of said institution. Part of § 2, ch. 822, 1869.

For the New York State Institution of the Blind at Batavia, for the support and maintenance of the institution, thirty-five thousand dollars, or so much thereof as shall be necessary, to be advanced in installments not exceeding seven thousand five hundred dollars each, and the expenditure of each advance to be accounted for to the satisfaction of the comptroller before any further advance shall be made. Part of § 1, ch. 645, 1869.

For the New York Institution for the Blind, for education and maintenance of state pupils, twenty-two thousand nine hundred and forty-two dollars and twelve cents. Part of § 2, ch. 717, 1868.

For the superintendent of the New York State Institution for the Blind, for salary, and for the trustees in payment of their actual expenses when attending meetings of the board, three thousand dollars. Part of § 2, ch. 64, 1867.

For the commissioners appointed for the purpose of selecting a suitable site on which to erect the New York State Institution for the Blind, pursuant to chapter five hundred and eighty-seven of the laws of eighteen hundred and sixty-five, for compensation and expenses, to be paid on the certificate of the governor, two thousand dollars. Part of § 2, ch. 746, 1866.

- died in the United States service, or from wounds received therein during the late rebellion, shall take precedence over all others. § 1, ch. 744,* 1867.
- Non-resident applicants.** § 1510. Blind persons from without the state may be received into the institution upon the payment of an adequate sum, fixed by the trustees, for their boarding and instruction; provided, that such applicant shall in no case exclude those from the state of New York. § 2, same ch.
- Application for admission.** § 1511. Applications for admission into the institution shall be made to the board of trustees, in such manner as they may direct; but the board shall require each application to be accompanied by a certificate from the county judge of the county where the applicant resides, setting forth that the applicant is a legal resident of the town, county and state claimed as his or her residence. § 3, same ch.
- Object of the institution.** § 1512. The primary object of the institution shall be, to furnish to the blind children of the state the best known facilities for acquiring a thorough education, and train them in some useful profession or manual art, by means of which they may be enabled to contribute to their own support after leaving the institution; but it may likewise, through its industrial department, provide such of them with appropriate employment and boarding accommodations as find themselves unable, after completing their course of instruction and training, to procure these elsewhere for themselves. It shall, however, be in no sense an asylum for those who are helpless from age, infirmity, or otherwise, or a hospital for the treatment of blindness. § 4, same ch.
- Successors of present board of trustees.** § 1513. Upon the expiration of the term of office of the present board of trustees, the governor shall, by and with the consent of the senate, appoint their successors, two of whom shall reside in the county wherein said institution is located, and a majority of whom shall reside within fifty miles of said institution, and at the first meeting of said board, after their appointment as aforesaid, they shall divide themselves by lot into three equal classes, who shall serve for two, four and six years, respectively, from the date of their appointments, and until their successors shall have been appointed, and every alternate year thereafter the governor shall, by and with the consent of the senate, appoint three trustees to fill the places of those whose term of service will have expired, in accordance with the provisions of this section. § 5, ch. 744, 1857.
- Vacancies.** § 1514. In case of the declension of any member of

* "An act to define the object of the New York State Institution for the Blind, and to provide for its management." Passed April 24, 1867.



aid board of trustees to act under his appointment, or in the occurrence of any other casual vacancy in the board, the governor shall forthwith appoint some suitable person to fill such vacancy, and the member so appointed shall serve out the term of his predecessor. § 6, ch. 44, 1867.

§ 1515. The trustees shall receive no compensation as such, but they may allow themselves mileage, at the same rate as that paid to members of the legislature, for any instance actually travelled in the service of the institution. Nor shall any trustee be pecuniarily interested in any contract for buildings pertaining to the institution, or in furnishing supplies therefor. § 7, same ch.

Trustees to receive no compensation, except mileage, or be interested in contracts.

§ 1516. The board of trustees shall have charge of all the affairs of the institution, with power to make all necessary by-laws and regulations for their government and the proper management of the institution, as well as for the admission of pupils, and to do all else which may be found necessary for the advancement of its humane design. § 8, same ch.

Powers of board of trustees.

§ 1517. They shall elect from their own number a president, treasurer and secretary, together with such standing committees as they may deem necessary, and adopt a common seal for the institution. § 9, same ch.

Officers.

Adoption of seal.

§ 1518. The treasurer shall have the custody of all the funds of the institution, and pay out the same only upon properly authenticated orders of the board or its executive committee. Before entering upon the duties of his office he shall give a bond, with at least two sureties to be approved as hereinafter stated, to the people of the state of New York in the penal sum of twenty-five thousand dollars, conditioned for the faithful discharge of his trust, which bond shall be approved by the state treasurer of this state, in whose office the same shall be filed. § 10, same ch.

Treasurer.

His bond.

§ 1519. The trustees shall have power to appoint a competent and experienced superintendent, who shall be the chief executive officer of the institution, together with an efficient corps of instructors and other subordinate officers; prescribe the duties and terms of service of the same; fix and pay their salaries, and for just cause remove any or all of them from office. They shall likewise employ the requisite number of servants and other assistants in the various departments of the institution, and pay the wages of the same. § 11, same ch.

Superintendent and other officers.

Their terms of office and pay.

§ 1520. They shall purchase all furniture, apparatus, and all supplies necessary to the equipment and carrying on of the institution in the most efficient manner. § 12, same ch.

Furniture.

Provision
as to
clothing
for those
admitted
to institu-
tion.

Removal
of pupils
and duties
of parents.

Neglect to
provide
the same.

When
pupil to be
delivered
to over-
seers of
poor.

Itemized
accounts
against
respective
counties.

And pay-
ment of
the same.

Parents,
&c., when
compelled
to pay.

§ 1521. When any blind person shall, upon proper application, be admitted into the institution, it shall be the duty of his or her parents, guardians, or other friends, to suitably provide such person with clothing at the time of entrance and during continuance therein, and likewise to defray his or her traveling expenses to and from the institution at the time of entrance and discharge, as well as at the beginning and close of each session of the school, and at any other time when it shall become necessary to send such person home on account of sickness or other exigency. And whenever it shall be deemed necessary by the trustees to have such person permanently removed from the institution, in accordance with the by-laws and regulations thereof, the same shall be promptly removed upon their order, by his or her parents, guardians, or other friends. § 13, ch. 744, 1867.

§ 1522. If the friends of any pupil from within the state of New York shall fail, through neglect or inability, to provide the same with proper clothing, or with funds to defray his or her necessary traveling expenses to and from the institution, or to remove him or her therefrom, as required in the preceding section, the trustees shall furnish such clothing, pay such traveling expenses, or remove such pupil to the care of the overseers of the poor of his or her township, and charge the cost of the same to the county to which the pupil belongs; provided that the annual amount of such expenditures on account of any one pupil shall not exceed the sum of sixty dollars. And in case of the death of any pupil at the institution, whose remains shall not be removed or funeral expenses borne by the friends thereof, the trustees shall defray the necessary burial expenses, and charge the same to his or her county as aforesaid. § 14, same ch.

§ 1523. On the first day of October, in each year, the trustees shall cause to be made out against the respective counties concerned, itemized accounts, separate in each case, of the expenditures authorized by the preceding section of this act, and forward the same to the board of supervisors chargeable with the account. The board shall thereupon direct the county treasurer to pay the amount so charged to the treasurer of the institution for the blind, on or before the first day of March next ensuing. § 15, same ch.

§ 1524. The counties against which the said accounts shall be made out as aforesaid shall cause their respective treasurers, in the name of their respective counties, to collect the same, by legal process, if necessary, from the parents or estates of the pupils who have the ability to pay, on whose account the said expenditures shall have been made; provided that at least five hundred dollars

value of the property of such parents or estate shall be exempt from the payment of the accounts aforesaid. § 16, ch. 744, 1867.

Exemption.

§ 1525. The institution shall be entitled to receive copies of all books and other publications which are distributed gratuitously by the state to township or county libraries, common schools, academies, colleges and societies. It may also receive in the name of the state, bequests or donations of money or any kind of property, but such money or property shall in all cases belong to the state, and be subject to its control; provided that the same shall not be diverted from the particular object for which it shall be bequeathed or donated.

Books gratuitously distributed by state.

Bequests.

§ 17, same ch.

§ 1526. The board of trustees shall keep full and complete records of their proceedings, and make an annual report of the same to the legislature, at the commencement of the regular session thereof, strictly accounting in detail for their expenditures, on account of the institution, during the preceding fiscal year, of the state, setting forth the progress and condition of the several departments of the institution, making such suggestions concerning its future management as they may deem essential, and submitting proper estimates of the funds needed for its support, as well as for building and all other purposes.

Records of proceedings of board of trustees. Report to legislature.

§ 18, same ch.

§ 1527. The state treasurer is hereby directed to pay over to the board of trustees, upon the warrant of the comptroller, all moneys which shall hereafter be appropriated on account of the New York State Institution for the Blind; the general appropriations for the current support of the institution, to be paid in equal quarterly installments, and specific appropriations for building and other purposes, to be paid when needed by the trustees.

Payment of appropriations.

This section and the next not to affect chapter 867, 1866. See post.

§ 19, same ch.

§ 1528. All drafts upon the state treasury on behalf of the institution shall be based upon orders of the board of trustees, signed by the president and secretary of the same, and attested by the common seal of the institution.

Drafts upon the state.

See post, next section.

§ 20, ch. 744, 1867.

§ 1529. Sections nineteen and twenty (secs. 1527 and 1528) of this act shall not be construed to alter, impair, or affect the powers or duties of the building commissioners appointed under the provisions of chapter five hundred and eighty-seven of the laws of eighteen hundred and sixty-five; and nothing in this act shall be construed to interfere with the erection by said building commissioners of the State Institution for the Blind, in accordance with the plans heretofore approved by the governor, secretary of state and comptroller; and all moneys now

§§ 1527 and 1528 how not to be construed.

or hereafter to be appropriated for the building of said institution shall be paid to said building commissioners for that purpose. § 21, ch. 744, 1867.

New York Institution for the Blind to continue to have custody, &c., until New York State Institution for the Blind ready to receive.

§ 1530. The New York Institution for the Blind shall continue to have the custody, charge, maintenance and education of all such pupils as are now intrusted to them by the state, and of any others who may be appointed prior to the opening of the state institution at Batavia; and shall receive compensation from the state for the maintenance, education and support of said pupils in the same manner as is now, or has heretofore been provided, and shall receive the same amount per capita from the counties from which said pupils are respectively appointed as is now paid for their clothing, until such period as the New York State Institution for the Blind shall be ready to receive such pupils, and shall then, without reference to the term of years for which said pupils have been appointed under the existing laws, and received by said New York Institution for the Blind, transfer said pupils to said state institution; provided, however, that they shall retain and continue to receive all pupils heretofore appointed, or hereafter to be appointed, from the counties of New York and Kings under the appointment of the superintendent of public instruction, in like manner as is now provided by law, to be received, maintained and educated by the said New York Institution for the Blind, which shall be compensated for their maintenance and education by the state; and for their clothing by the counties from which they are appointed, in like manner as is now done. § 22, same ch.

Exception as to Kings and New York counties. See New York and Kings counties, ante.

Inconsistent acts.

§ 1531. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. § 23, same ch.

ARTICLE TWO.

THE NEW YORK INSTITUTE FOR THE BLIND.^a

1532. Such institution to continue to receive pupils from New York and Kings counties.
1533. When to receive such pupils, and for how long a time.
1534. Applications for admission, how to be made.
1535. Clothing for indigent pupils from New York and Kings counties, how moneys to be raised for and paid over.
1536. Disposition of surplus of such moneys.

1532. [The New York Institution for the Blind] shall continue to receive all pupils heretofore appointed or hereafter to be appointed from the counties of New York and Kings, under the appointment of the superintendent of public instruction, in like manner as is provided by law to be received, maintained and educated by the said New York Institution for the Blind, and shall be compensated for their maintenance and education by the state, and for their clothing by the state from which they are appointed, in like manner as is now done. Part of § 22, ch. 744,^b 1867.

Appointments to the New York Institution for the Blind from New York and Kings counties. Pay to such institution.

1533. The managers of the New York Institution for the Blind are hereby authorized to receive, upon the appointment of the superintendent of public instruction, for a term not exceeding five years, all blind per-

Reception of state pupils from New York and Kings counties.

^a This institution was incorporated under chapter 214, 1831, entitled "An act to incorporate the New York Institution for the Blind," passed April 1. By section one of said act, it is, besides other things, declared that the purpose of said corporation is that of instructing children who have been blind, or who may have become blind by disease or accident. By section five of said act it is also declared that this act should continue in force until May 1, 1832. By section 1 of chapter 333, of 1832, passed May 18, 1832, entitled "An act to continue in force an act to incorporate the New York Institution for the Blind, passed April 21, 1831, and to extend the benefits of said institution," the said charter of this institution, viz., chapter 214, 1831, is "continued in force from and after the 1st day of May, 1832." Section 1 of chapter 214, 1831, was by section 1, chapter 193, 1848, repealed, and said section 1 of said last-mentioned chapter was repealed by section 9, chapter 411, 1862, entitled "An act to incorporate the Blind School Association, to be located in the city of New York," passed April 21, 1862. By section 2 of chapter 193, 1848, certain moneys were appropriated by the legislature for the erection of workshops, warehouses, dormitories and other buildings of such institution, necessary for providing an education and employment for the adult blind.

^b In act to define the objects of the New York State Institution for the Blind, and to provide for its management." Passed April 24, 1867. By said act, and second section of said act, the said New York Institution for the Blind (it was also further provided) should have the custody, charge, maintenance and education of all such pupils as were at the date of the said act appointed by the state, and of any others who may be appointed prior to the opening of the said New York state institution, and should receive compensation from the state for the maintenance, education and support of such pupils, in the same manner as was then or had theretofore been provided, and should receive the same amount *per capita* from the counties in which said pupils are respectively appointed, as was at the date of the said act paid for their clothing, until such period as the New York Institution for the Blind shall be ready to receive such pupils, and should then, with reference to the term of years for which said pupils have been appointed by the state, existing laws, and received by said New York Institution for the Blind, transfer said pupils to said state institution.

Powers of superintendent of public instruction.	sons, residents of the counties of New York and Kings, between eight and twenty-five years of age, who, in the judgment of the board of managers of said institution, shall be of suitable character and capacity for instruction, and shall have charge of their maintenance, education and support, and shall receive compensation therefor from the state in the same manner as is now provided by law.
Extension of terms.	The term of such appointments may be extended, from time to time, by the superintendent of public instruction, on the recommendation of the board of managers of the said New York Institution for the Blind, for such further period as they may deem advantageous in each individual case. § 1, ch. 166,* 1870.
Applications for admissions.	§ 1534. Application for admission into the institution shall be made to the board of managers, and each application shall set forth the age, the fact of blindness, and that the applicant is a legal resident of the town, county and state claimed as his or her residence, with such other information as the board may require; and each application shall be sworn to by the applicant, or his or her parents or guardian, and shall be signed by at least one member of the board of supervisors of the county in which the applicant may reside, and also be recommended by the president and superintendent of the said institution, and transmitted by the said institution to the superintendent of public instruction. § 2, same ch.
Supervisors of New York and Kings counties to furnish clothing.	§ 1535. The supervisors of the county of New York or Kings, from which state pupils shall be sent to and received in the said institution, whose parents or guardians shall, in the opinion of the superintendent of public instruction, ^b be unable to furnish them with suitable clothing, are hereby authorized and directed, in every year while such pupils are in said institution, to raise and appropriate fifty dollars for each of said pupils from said counties respectively, and to pay the sum so raised to the said institution, to be by it applied to furnishing such pupils with suitable clothing while in said institution. § 3, same ch.
To pay fifty dollars for each indigent pupil.	
Disposition of surplus.	§ 1536. If in any year hereafter there shall be any surplus of the amount above required to be paid yearly by

* An act to amend an act entitled "An act (ch. 333, 1862) to continue in force 'An act (ch. 214, 1831) to incorporate the New York Institution for the Blind,' passed April twenty-first, eighteen hundred and thirty-one, and to extend the benefits of said institution," passed April sixteenth, eighteen hundred and fifty-two. Passed April 9, 1870; three-fifths being present.

^b The superintendent of public instruction is hereby authorized to visit and inspect the New York Institution for the Blind, in all its departments, to report to the legislature such matters and things as he may deem necessary, and in the selection and appointment of pupils he may, in those cases where in his opinion absolute indigence is not established, require and impose conditions whereby some proportionate share of the expense of educating and clothing such pupils shall be paid by their parents or guardians. In such way, manner and time as he may designate. § 6, ch. 200, 1859, as amended by ch. 351, 1862.

the said counties for clothing for pupils from said counties respectively, then such surplus shall be deducted pro rata the ensuing year from the amount above required to be paid by the said counties respectively. § 4, ch. 166, 1870.

ARTICLE THREE.

OTHER MATTERS RELATING TO INSTITUTIONS FOR THE BLIND.

SECTION 1537. Object of Blind Mechanics' Association.

1538. Powers and duties of managers; who may become members of the association.

1539. Object of New York board of trustees, auxiliary, &c. Blind Mechanics' Association.

§ 1537. The leading objects [of the Blind Mechanics' Association] are hereby declared to be to promote the welfare of the adult blind by assisting them in procuring work or employment, and thereby aiding them in earning their own livelihood; and it shall not in any sense be considered or conducted as a poor-house, asylum or hospital. § 2, ch. 411, 1862.

§ 1538. The managers of said association shall have power to purchase or lease suitable work-shops and accommodations for the blind mechanics who shall become members of this association, to admit to membership any adult blind mechanic, either male or female, who is a citizen of the state of New York of good moral character, to receive as apprentices such blind persons from all parts of the state as they have means to accommodate, and to regulate the conditions on which such members and apprentices shall be received, and to expel any member for improper conduct; the regulations prescribing the admission of members and apprentices to be approved by the superintendent of public instruction. They shall also have power to purchase materials, and manufacture and sell such articles as the members of the association are competent to manufacture. § 3, same ch.

§ 1539. The objects of this incorporation [“The New York State Board of Trustees, auxiliary to the National Board of Trustees, or Board of Regents, of the American Printing House and University for the Blind,”] shall be to aid the blind of the state of New York in acquiring a more liberal education than is now provided for them, by providing for their use books in raised print and the means for obtaining a collegiate education. § 2, ch. 431, 1864.

Managers and their powers and duties.

Members of such institution.

New York State Board of Trustees auxiliary to the National Board of Regents of the American Printing House for the blind.

CHAP. LXX.

DEAF AND DUMB.

SECTION 1540. Deaf children under twelve years of age who are, or are likely to become, a town or county charge, when to be placed by the supervisors or overseers in New York Institution for the Deaf and Dumb, or in the Institution for the improved instruction of deaf mutes.

1541. Application to have child sent to such institution; by whom and to whom made, and how; duty of overseer or supervisor in respect thereto.

1542. Institution for the improved instruction of deaf mutes, certain laws made applicable to.

1543. Expenses of such children in said institution a county charge.

1544. How such expenses to be raised and collected, the extent thereof, and how to be paid.

1545. Institution subject to visitation of superintendent of public instruction, and duties of such superintendent.

1546. Provisions of sections 9 and 10, ch. 555, 1864, extended.

1547. Applicants between 12 and 25 years for admission in the institution for the deaf and dumb, or into institution for deaf mutes, who entitled to such admission and how to proceed in order to obtain it.

1548. Board and lodging of the pupils, how to be supplied and paid for; term of instruction.

1549. Time of admission of pupils in either institution may be regulated by superintendent of public instruction.

Duty of overseers or supervisors respecting deaf and dumb children.

§ 1540. Whenever a deaf mute child, under the age of twelve years, shall become a charge for its maintenance on any of the towns or counties of this state, or shall be liable to become such charge, it shall be the duty of the overseers of the poor of such towns, or of the supervisors of such county, to place such child in the New York institution for the deaf and dumb, or in the institution for the improved instruction of deaf mutes. § 1, ch. 325,* 1863, as amended by § 1, ch. 180, 1870.

Application to overseers of the poor, &c.

§ 1541. Any parent, guardian or friend of a deaf mute child within this state over the age of six years and under the age of twelve years, may make application to the overseers of the poor of any town, or to any supervisor of the county where such child may be, showing by satisfactory affidavit, or other proof, that the health, morals or comfort of such child may be endangered or not properly cared for, and thereupon it shall be the duty of such overseer or supervisor, if satisfied that the parents or

* "An act to provide for the care and education of indigent deaf mutes under the age of twelve years," passed April 29, 1863; three-fifths being present.

natural protectors of such child are, or such child is, in indigent circumstances, to place such child in the New York institution for the deaf and dumb, or in the institution for the improved instruction of deaf mutes. § 2, ch. 325, 1863, as amended by § 1, ch. 180, 1870.

§ 1542. All provisions of law now existing, fixing the expense of the board, tuition and clothing of children under twelve years placed in the New York Institution for the Instruction of the Deaf and Dumb, shall apply to children who may, from time to time, be placed in the said Institution for the Improved Instruction of Deaf Mutes, in the same manner, and with the like effect, as if said last-mentioned institution had also originally been named in the acts fixing such compensation, and as if said acts had provided for the payment thereof to the institution last-mentioned, and the bills therefor, properly authenticated by the principal, or one of the officers of the said last-mentioned institution, shall be paid to said institution by the counties respectively from which such children were severally received, and the county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county. § 2, ch. 180, 1870.

Provisions of law applicable to institutions for improved instruction of deaf mutes.

§ 1543. The children placed in such institution in pursuance of the foregoing sections (sections 1 and 2, ch. 325, 1863, as amended by section 1, ch. 180, 1870) shall be maintained at the expense of the county from whence they came, provided that such expense shall not exceed two hundred and thirty dollars each* per year, until they attain the age of twelve years, unless the directors of said institution shall find, as to any such child, that it is not a proper subject to remain in said institution. § 3, ch. 325, 1863, as amended by ch. 725, 1867.

Poor children, how maintained.

§ 1544. The expenses for the board, tuition and clothing of such deaf mute children, placed as aforesaid in said institution, not exceeding the amount of two hundred and thirty dollars per year* above allowed, shall be raised and collected, as other expenses for the support of the poor of the county from which such children shall be received; and the bills therefor, properly authenticated by the principal or one of the officers of said institution, shall be paid to said institution by the said county, and its county treasurer or chamberlain, as the case may be, is hereby directed to pay the same on presentation, so that the amount thereof may be borne by the proper county. § 4, ch. 325, 1863, as amended by ch. 725, 1867.

Expenses of poor pupils limited and how to be raised.

§ 1545. The institution for the instruction of the deaf and dumb, the institution for the improved instruction of

Duty of superintendent of

* Two hundred and thirty dollars substituted in place of "One hundred and fifty dollars," to conform to the modification made by ch. 725, 1867.

public instruction in respect to the institutions for deaf and dumb mutes, &c.

deaf mutes], the New York Institution for the Blind, and all other similar institutions, incorporated or that may be hereafter incorporated, shall be subject to the visitation of the superintendent of public instruction, and it shall be his duty:

1. To inquire, from time to time, into the expenditures of each institution, and the systems of instruction pursued therein respectively.

2. To visit and inspect the schools belonging thereto, and the lodgings and accommodations of the pupils.

3. To ascertain, by a comparison with other similar institutions, whether any improvements in instruction and discipline can be made; and for that purpose to appoint, from time to time, suitable persons to visit the schools.

4. To suggest to the directors of such institutions and to the legislature such improvements as he shall judge expedient.

5. To make annual report to the legislature on all the matters before enumerated, and particularly as to the condition of the schools, the improvement of the pupils, and their treatment in respect to board and lodging. § 8, title 1, ch. 555, 1864,* as modified by ch. 180, 1870.

§ 1546. Sections nine and ten (secs. 1547, 1548) of title one of an act (ch. 555) entitled "An act to revise and consoli-

Certain acts applicable to such institution.

* An act to revise and consolidate the general acts relating to public instruction, passed May 2, 1864; three-fifths being present. Section 8 of said act supersedes sections 1 and 2 of title 2, ch. 15, part 1, R. S. (1 R. S. 411.) Sections 9, 10 and 11 of said act it is quite apparent have superseded ch. 22 of 1854, entitled "An act in relation to the New York Institution for the Instruction of the Deaf and Dumb," and therefore said chapter 22 of 1854 is omitted. The following is ch. 223, 1832:

§ 1. It shall be the duty of the overseers of the poor in each town to furnish the superintendent [of public instruction] with a list of the deaf and dumb persons in their respective towns, so far as they can ascertain them, with such particulars in relation to the condition of each as shall be prescribed by the said superintendent.

§ 2. From the list thus obtained the superintendent may select as state pupils, such as are properly embraced within the provisions of the existing laws, and make such regulations and give such directions to parents and guardians in relation to the admission of pupils, at stated periods, as will remove the inconvenience of having pupils of the same class entering the school at different periods.

§ 3. The notice required by this act to be given to the overseers of the poor shall be in lieu of the notice required by the third section of the "Act to provide for the instruction of the indigent deaf and dumb within this state," passed April 16, 1822, and whenever vacancies occur in the pupils from a senate district, those vacancies may be filled from the list of that district kept by the superintendent of common schools without delay.

By the following laws provision was also made for educating pupils at the New York Institution for the Instruction of the Deaf and Dumb. By chapter 234 of 1822, four from each of the eight senate districts; by chapter 170 of 1830, three additional from each of the eight senate districts; by chapter 109 of 1833, five additional from each of the eight senate districts; by chapter 228 of 1836, three additional from each of the eight senate districts; by chapter 174 of 1840, one additional from each of the eight senate districts; by chapter 14 of 1845, four additional from each of the eight senate districts; by chapter 97 of 1852, one additional from each of the thirty-two senate districts; by chapter 115 of 1853, it was made lawful for the superintendent of common schools to continue at said institution, for not exceeding three years, such pupils as may have completed the regular term of instruction, provided the whole number of state pupils should not annually exceed the number then authorized by law. The act entitled "An act to incorporate the members of the New York Institution for the Instruction of the Deaf and Dumb," passed April 15, 1817, was by ch. 300 of 1862, re-enacted and extended for the term of twenty-five years from and after April 1, 1862.

date the general acts relating to public instruction," passed May second, eighteen hundred and sixty-four, are hereby amended so that the same shall extend and apply to the said "Institution for the Improved Instruction of Deaf Mutes" in the like manner, and with the like effect, as if said last-mentioned institution, as well as the others therein mentioned, had originally been named in the said sections respectively. § 3, ch. 180, 1870.

§ 1547. Every indigent person, resident in this state, between twelve and twenty-five years of age, whose parent or parents, or, if an orphan, whose nearest friend, shall have been resident in this state for the three years preceeding, and who may make application for that purpose, shall be received, if deaf and dumb, into the Institution for the Deaf and Dumb [or into the Institution for the Instruction of Deaf Mutes], and, if blind, into the New York Institution^a for the Blind, provided his or her application be approved by the superintendent of public instruction; and in those cases where, in his opinion, absolute indigence is not established, he may approve of such application, and, at the same time, may impose conditions, whereby some proportionate share of the expense of educating and clothing such pupils shall be paid into the treasury, by their parents, guardians, or friends, in such way and manner, and at such time or times, as he shall designate, which conditions he may subsequently modify as he shall deem expedient. § 9, title 1, ch. 555, 1864, as amended by § 3, ch. 180, 1870.

Terms of admission.

§ 1548. Each pupil so received into either of the institutions aforesaid shall be provided with board, lodging and tuition;^b and the directors of the institution shall receive for each pupil so provided for, the sum of dollars per annum, in quarterly payments, to be paid by the treasurer of the state, on the warrant of the comptroller, to the treasurer of said institution, on his presenting a bill showing the actual time and number of such pupils attending the institution, and which bill shall be signed by the president and secretary of the institution and verified by their oaths. The regular term of instruction for such pupils shall be five years; but the superintendent of public instruction may, in his discretion, extend the term of any pupil for a period not exceeding three years. The pupils provided for in this and the pre-

Board and lodging of pupils.

Term of instruction.

^a See ante, sections 1532-1535, modifying these provisions so far as the New York Institution for the Blind is concerned.

^b The following is section 3, of ch. 344 of 1870, entitled "An act in relation to the New York Institution for the Instruction of the Deaf and Dumb," as amended by ch. 344, 1864, viz.: "The supervisors of any county in this state from which county pupils may be selected, whose parents and guardians are unable to furnish them with suitable clothing, are hereby authorized and required to raise in each year for this purpose, for each such pupil from said county the sum of thirty dollars."

ceding section of this title, shall be designated state pupils; and all the existing provisions of law applicable to state pupils now in said institutions shall apply to pupils herein provided for. § 10, title 1, ch. 555, 1864.

Time of admission. § 1549. The superintendent of public instruction may make such regulations and give such directions to parents and guardians, in relation to the admission of pupils into either of the above-named institutions, as will prevent pupils entering the same at irregular periods. § 11, same title.

CHAP. LXXI.

RELATING TO "THE SOCIETY FOR THE AID OF FRIENDLESS WOMEN AND CHILDREN."

SECTION 1550. Such society incorporated, to be subject to the provisions and restrictions prescribed by the Revised Statutes, and to have power to take property by gift, bequest, devise or purchase, subject to certain restrictions.

1551. Objects of such society.

1552. Its affairs, how to be managed, and managers how chosen; number of managers limited; vacancies in board of managers, how to be supplied.

1553. Board of managers, how many members thereof to constitute a quorum; when a majority of all the managers to be present in order to transact business.

1554. By-laws, &c., board of managers may enact.

1555. Children, under what circumstances may be received and taken under the care and management of the corporation; for how long a time; such corporation to be guardian to have power to bind out children, &c.

1556. Indentures of binding out, when may be canceled, and the effect of such cancellation.

1557. Proceedings in case indentured child is not properly treated, and the powers and duties of certain judges, justices, and justices of the peace in respect thereto; liability of the master in case of ill-treatment toward such child.

The society for the aid of friendless women and children incorporated.

§ 1550. Elvira C. Jackson, Catherine Duryea Elwell, Carrie E. Brett, Sarah M. Trask, Martha B. Cutting, Carrie McDonald, Lizzy G. Meacham, Elizabeth L. Rosman, Maria D. Heaton, Stella Mitchell, Sarah S. Cooper, Adriana Genung, Ann E. Martin, Sarah B. Bayliss, Maria B. Humphrey, Laura C. Douglass, Elizabeth W. Wyckoff, Latitia W. Allis, Mary E. Hartt, Aletta Duryea, Ellen Woolsey, Abigail Bulkley, Mary S. De Lamater, Janet Tilney, Ella C. Knowlton, Ann Brower, Sara A. Prior,

Annie Eaton, Harriet L. Packer, Mary White, Frances M. Allen, Margaret S. Barnes, Harriet Sheldon, Mary L. Stone and Caroline O. Bogert, and their associates and successors, are hereby constituted a body corporate by the name of "The Society for the Aid of Friendless Women and Children," and by that name shall have and possess all the powers and privileges, and be subject to the provisions and restrictions prescribed and specified in title three, chapter eighteen, part one of the Revised Statutes, and shall have power to take real and personal estate by gift, devise, demise, bequest, subject to all the provisions of law relating to devises and bequests by last will and testament, or purchase; but such real estate shall not exceed the yearly value of fifteen thousand dollars. § 1, ch. 472,* 1870.

Its powers and privileges.

§ 1551. The objects of said corporation shall be to aid destitute and friendless women and children to help themselves, by providing a temporary home, where they may receive proper moral and intellectual culture, until they shall be provided for otherwise. It shall be a prominent object to find them employment and a home where their services are needed, and where they may be surrounded by the best social and moral influences. § 2, same ch.

Objects of incorporation.

§ 1552. The property, business and affairs of said corporation shall be managed by a board of managers, to be chosen from the different churches and religious denominations in the city of Brooklyn, and the persons named in the first section of this act shall constitute the first board. All vacancies which may happen in the board shall be filled by the board at such time and in such manner as may be provided in the by-laws of said corporation. The number of managers may be increased, from time to time, not to exceed the number of one hundred, and provision be made for the election thereof in by-laws to be enacted for that purpose. § 3, same ch.

Affairs how to be managed; managers how chosen, and number of them limited.

§ 1553. At all meetings of the board of managers, nine members thereof shall constitute a quorum for the transaction of ordinary business; but no purchase, sale or other disposition of real estate, or any interest therein, nor appointment or removal of any officer of the corporation, nor election to fill a vacancy in the board, nor any contract involving an expenditure of more than five hundred dollars shall be made, nor any by-law be adopted, amended or repealed, without the presence of a majority of all the managers. § 4, same ch.

Quorum.

Majority present when requisite.

§ 1554. The board of managers shall have power to

By-laws, &c., how adopted.

* "An act to incorporate the society for the aid of friendless women and children." Passed April 26, 1870.

enact by-laws not inconsistent with the laws of this state; to provide for the calling, holding and order of business at the meetings of the society and of the board; for the qualifications for membership and of the managers and officers; for the election and appointment of managers, officers and committees; to prescribe their powers, terms of office and duties; and generally, for the government of the society and the regulation of its business. § 5, ch. 472, 1870.

Children who may be received by corporation, and how and under what circumstances.

Powers of corporation as to binding out of children, and its duties in respect thereto.

Indentures, when may be canceled, and its effect.

Proceedings in case indentured child not properly treated.

§ 1555. The said corporation may receive and take under its care and management children under the age of fifteen years, whose parents, nearest relatives or guardians, by an instrument in writing, may voluntarily surrender and intrust to said society, until they shall arrive at the age of twenty-one years in males, and eighteen years in females, or any shorter time; and the said corporation shall thereupon become and be constituted the guardian of such children, and shall have the power, when the children in their care shall respectively attain a proper age, to place them at suitable employments, and cause them to be instructed in suitable branches of knowledge, at discretion; to bind out by indenture such children, as clerks, apprentices or servants, to some profession, trade or employment, for such time or period as they may deem proper, not exceeding the time for which they may have been surrendered as aforesaid; and the said corporation shall take care that such bound or apprenticed children are properly cared for, fed, clothed, sheltered and kindly treated, and that the contract is fully observed. § 6, same ch.

§ 1556. Any indenture or contract of service by which any child shall have been bound out, under the provisions of this act, may, by mutual consent of the said corporation and the person entitled to such service, be canceled and annulled upon such terms and conditions as may be agreed upon, and thereupon the said corporation shall resume the charge and management of such child, and have the same power and authority with regard to it as before the indenture or contract of service was made. § 7, same ch.

§ 1557. If the person entitled to the service of any child surrendered to, and bound out by, the said corporation as aforesaid shall neglect or refuse to properly care for, feed, clothe, shelter and kindly treat, or suffer the said child to be cruelly treated or abused, or to lack any of the necessities of life, or shall violate any of the terms of the indenture or contract of service under which said child is held, such child, or the said corporation, or any person on behalf of such child or corporation, may make complaint thereof to a justice of the supreme court, to

county judge, or to any justice of the peace of the county where such child is held to service, or to the clerk, recorder, an alderman, city judge, or any other officer of any city where such child is so held to service, who shall thereupon summon the said person so detained of to appear before him, and shall examine and hear and determine such complaint; and if, upon hearing, the said complaint shall appear to be well founded, he shall, by certificate in writing, discharge such person from the obligation of service, and restore such person to the charge and custody of such corporation, and aid person of whom complaint was made shall be liable to the said corporation in a civil action for the breach of the agreement. § 8, ch. 472, 1870.

Powers
and duties
of judges
and jus-
tices of the
peace in
respect
thereto.

CHAP. LXXII.

RELATING TO INTEMPERANCE AND THE SALE OF INTOXICATING DRINKS.

- 1558. Board of commissioners of excise, and the number of members thereof; in towns and villages, how to be composed; quorum thereof.
- 1559. Appointment of commissioners in cities, how to be made; powers of commissioners to act as a board; their term of office and salaries; vacancies in office of commissioners, how supplied, and removals, how effected.
- 1560. Commissioners, when and how often to meet; duration of licenses granted by them.
- 1561. Licenses, to whom may be granted; license fee; applications for license, how to be made; unlicensed persons, when may sell liquors.
- 1562. Sales between one and five A. M. prohibited.
- 1563. Chapter 578, 1866, repealed, and chapter 628, 1857, how to be construed.
- 1564. Neither town nor village commissioner of excise to appoint clerk to board; pay of town and village commissioners; moneys arising from licenses, how to be applied.
- 1565. Certain provisions of chapter 175, 1870, not until January 1, 1872, to extend to territory included in the Niagara frontier police district.
- 1566. Powers and duties of commissioners.
- 1567. Commissioners to keep a book of minutes, what book to contain.
- 1568. Licenses to be signed by commissioners, and duration of such licenses.

RELIEF OF THE POOR.

SECTION 1568. Commissioners to make annual report to board of supervisors.

1569. Such report to be in writing and to contain a true statement of all moneys received, &c.

1570. Report to be verified and to be indorsed by statement of county treasurer.

1571. Inconsistent acts repealed.

1572. Clerk not to be appointed in town or village; board of commissioners.

1573. Clerk may take acknowledgments and affidavits; commissioners to receive no fee for licenses.

1574. Certain licenses not to be granted except upon compliance with certain conditions.

1575. License not to be granted until applicant has executed bond to the people of state.

1576. Beds, stabling, hay, &c., to be provided for accommodation of travelers; penalty for neglect.

1577. Sign to be put up by every hotel keeper within thirty days after license is obtained; penalty for neglect.

1578. No recovery to be had when innkeepers trust others than lodgers for spirituous liquors.

1579. Licenses to sell less than five gallons; in certain cases to contain declaration that they shall not be deemed to authorize sale of liquors to be drunk on premises.

1580. Such licenses not to be granted except on compliance by applicant with certain conditions.

1581. Penalty for selling liquors in quantities less than five gallons.

1582. Penalty for selling liquors without license.

1583. Hotel keepers prohibited from selling to Indians, apprentices or minors, without consent of master, guardian, &c.; penalty for violating provisions of section.

1584. Duty of sheriff and certain other officers when persons are found violating this act; duty of magistrates.

1585. Duty of such officers when persons are found intoxicated in public places.

1586. Metropolitan police district excepted.

1587. License for sale of ale and beer in certain cases.

1588. Forfeiture for sale or gift of spirituous liquors to intoxicated persons.

1589. Duty of magistrates and overseers of the poor, on proof that husband, wife or child are habitual drinkers of intoxicating liquors.

1590. Unlawful to sell intoxicating liquors to habitual drunkards and paupers; penalties for violating provisions of this section.

1591. No intoxicating liquors to be sold on Sundays, or on election days, within one-quarter of a mile from place where election held; penalty for violating provisions of section.

1592. Penalty, with certain exceptions, to be sued for by commissioners and paid to county treasurer for the support of poor.

1592. Bonds taken under this act to be filed.

1593. Where breach of condition, commissioners, supervisor of town, mayor of city, &c., to prosecute for penalty.

1594. In case of any conviction or judgment, court must transmit statement to next court of sessions.

1595. License of persons violating provision of act may be revoked, and how.

1596. Persons whose license revoked not to sell within three years from the time of revocation.

1597. Persons selling contrary to provisions of this act to be liable for all damages; parties offending, how sued.

1598. Courts to instruct grand jurors.

1599. If any person whose duty it is to prosecute for penalties neglect to do so, any person can prosecute.

1600. Incorporated companies and individuals, when to refuse employment to persons indulging in intemperate use of intoxicating drinks; penalty for violating provisions of section.

1601. Persons against whom judgments recovered under this act not to be entitled to liberties of jail.

1602. Repeal of certain acts.

1603. Assignment or pledge of articles exempt from execution, void if made for liquors.

1604. Penalty for sale of intoxicating drink to Indians.

1605. Forfeiture for receiving pledges from Indians for liquors.

1606. Courts of special sessions may try offenders.

1607. Fines, how disposed of.

1558. There shall be a board of commissioners of excise in each of the cities, incorporated villages and towns of this state. Such boards in cities shall be composed of five members, who shall be appointed as hereinafter provided. In incorporated villages they shall consist of five members of the board of trustees, one of whom shall be president, to be annually designated by such board of trustees; and in towns they shall consist of the supervisors and justices of the peace thereof, for the time being respectively. Any three members shall be competent to execute the powers vested in any town board; and when the office of supervisor be vacant or there be not more than two justices in the town, then the town clerk shall act in his place respectively. § 1, ch. 175, § 1870.

Boards of commissioners of excise.

Who to be.

Quorum.

1559. The mayor of each of the cities, except in the case of New York and Brooklyn, shall appoint the commissioners of excise in their respective cities within ten days after the passage of this act; but in the cities of New York and Brooklyn the mayor shall nominate three disinterested and responsible citizens to the board of aldermen of such cities respectively, who shall confirm or reject such

Appointment of commissioners; how to be made in cities.

Powers to act as a board.	nominations. In case of the rejection of such nominees, or any of them, the mayor shall nominate other persons as aforesaid, and shall continue so to nominate until the nominations shall be confirmed. The present commissioners of excise for the metropolitan district and the commissioners for the counties shall continue to exercise the duties of the office until such appointments, or some one of them, shall be appointed in such cities respectively, as herein provided. Any one or more of the commissioners so appointed shall have the power to act as a board of excise for the city in which he shall be appointed until the others shall be duly appointed. Commissioners of excise in cities shall hold their offices for three years and until others shall be appointed in their places, and shall receive a salary not to exceed twenty-five hundred dollars a year each, to be fixed by the mayor and common council of their respective cities, and shall be paid as other city officers are paid. On the first Monday of April, in every third year hereafter, the mayor and board of aldermen shall proceed to appoint, in the manner above described, persons qualified as aforesaid to be such commissioners of excise in their respective cities for the next three years, commencing on the first day of May in that year, and shall, from time to time, as often as vacancies shall occur, appoint persons qualified as aforesaid to fill the unexpired term of any commissioner who shall die, resign, remove from the city, or be removed from office. Such commissioners of excise in cities shall be removed for any neglect or malfeasance in office, in the same manner as provided by law for the removal of sheriffs. § 2, ch. 175, 1870.
Terms of office and salaries of commissioners in cities.	
Vacancies in office of commissioners, how supplied, and removals, how effected.	
Meeting of commissioners.	§ 1560. The commissioners of excise shall meet in their respective cities, villages and towns on the first Monday of May in each year, and on such other days as a majority of the commissioners shall appoint, not exceeding once each month in any year in any town or village, for the purpose of granting licenses as provided by law. In cities they shall meet on the first Monday of each month, and as often as they shall deem necessary. All such licenses shall expire at the end of one year from the time they shall be granted. § 3, same ch.
Licenses.	
When to expire.	
Licenses, to whom may be granted. 1 P. C. R. 501; 30 How. 46.	
License fee.	§ 1561. The board of excise in cities, towns and villages shall have power to grant licenses to any person or persons of good moral character, who shall be approved by them, permitting him and them to sell and dispose of at any one named place within such city, town or village, strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, upon receiving a license fee, to be fixed in their discretion, and which shall not be less than thirty nor more than one hundred

fifty dollars. Such licenses shall only be granted on application to the said board, signed by the applicant or applicants, specifying the place for which license is asked, and the name or names of the applicant or applicants, and of every person interested or to be interested in the business, to authorize which the license be used. Persons not licensed may keep, and in cities not less than five gallons at a time sell and use of, strong and spirituous liquors, wines, ale and provided that no part thereof shall be drunk or in the building, garden or inclosure communicating, or in any public street or place contiguous to, the building in which the same be so kept, disposed of or § 4, ch. 175, 1870.

Written application for license to be made.

Quantities of liquors, five gallons and over.

1562. Licenses granted, as in this act provided, shall authorize any person or persons to expose for sale, sell, give away or dispose of, any strong or spirituous liquors, wines, ale or beer, on any day, between the hours of one and five o'clock in the morning; and all places, licensed as aforesaid, shall be closed and kept closed between the hours aforesaid. § 5, same ch.

Licenses not to authorize sales between 1 and 5 A. M.

1562½. The act entitled "An act (chapter 578) to regulate the sale of intoxicating liquors within the metropolitan police district of the state of New York," passed April fourteenth, eighteen hundred and sixty-six, is hereby repealed, and the provisions of the act (chapter 578) passed April sixteenth, eighteen hundred and fifty-two, except where the same are inconsistent or in conflict with the provisions of this act, shall be taken and construed as a part of this act, and be and remain in full force and effect throughout the whole of this state. § 6, same ch.

Repeal of ch. 578, 1866, and continuing ch. 578, 1857.

1563. In no town or village shall the commissioners of excise, created by this act, appoint a clerk of the board of excise. The pay of commissioners of excise in towns and villages shall be three dollars per diem. The moneys arising from licenses in any town or village shall be deposited with the county treasurer within thirty days after receiving the same, to be expended under the direction of the board of supervisors at their next annual meeting, for support of the poor of such town. Moneys arising from licenses in cities shall be paid into the treasuries of the cities respectively. The book of minutes kept by the commissioners of excise in any town or village, except in use by such commissioners, shall be deposited in the clerk's office of such town or village. The expenses of procuring necessary books for minutes and necessary clerks, in any town or village, when actually incurred, shall be audited and paid in like manner as other town or village charges. § 7, same ch.

Town or village commissioners not to appoint clerk. Their pay.

Moneys arising from licenses, how applied.

Commissioners of excise of Niagara Frontier Police District not affected by act, until January 1st, 1872.

§ 1564. The provisions of this act, as to the appointment of commissioners of excise in each of the cities of this state, their tenure of office, the supplying of vacancies, and their removal from office, shall not extend to the territory included in the Niagara frontier police district until the first day of January, in the year one thousand eight hundred and seventy-two. And at all times hereafter, up to the last-mentioned day, the board of police commissioners of the said police district shall continue to be the board of commissioners of excise in and for said district and the territory embraced therein, as now provided by law, subject to the provisions of this act; and up to the time aforesaid all fees for licenses which shall be issued by the said board, and all fines and penalties herein provided for, shall be received by said board of police commissioners of said Niagara frontier police district, and shall be paid into the Niagara police fund, for the use and benefits thereof, as now provided by law. § 8, ch. 175, 1870.

Powers and duties of commissioners. 3 P. C. R. 501; 16 How. 46; 18 How. 302.

§ 1565. [The commissioners of excise] shall have power to grant licenses to keepers of inns, taverns or hotels, being residents of the town or city where such inn, tavern or hotel is proposed to be kept, to sell strong and spirituous liquors and wines to be drank in their houses respectively; and to storekeepers being such residents, a license to sell such liquors and wines in quantities less than five gallons, but not to be drank in their shops, houses, out-houses, yards or gardens. Part of § 2, ch. 628,* 1857, as amended by § 1, ch. 143, 1858.

Commissioners to keep a book of minutes.

§ 1566. They shall keep a book of minutes of all their proceedings in which shall be entered every resolution passed by them granting a license to any person, with the sum required to be paid, which minutes shall be verified by their signatures and filed with the town clerk of the town for which such license shall be granted, and in the several cities of the state with the city clerk, within eight days thereafter. § 3, ch. 628, 1857. [The book of minutes kept by the commissioners of excise in any town or village, except when in use by such commissioners, shall be deposited in the clerk's office of such town or village. Part of § 7, ch. 175, 1870.]

Licenses to be signed by commis-

§ 1567. All licenses shall be signed by the commissioners granting the same. They shall not be issued until

* "An act to suppress intemperance and to regulate sale of intoxicating liquors," passed April 16, 1857. By section 6, chapter 175 of 1870, the provisions of the aforesaid act (chapter 628, 1857), except where the same were inconsistent or in conflict with the provisions of said chapter 175, 1870, it is prescribed shall be taken and construed as a part of said last-mentioned chapter, and be and remain in full force and effect throughout the whole state. Therefore, the editor has deemed it prudent to publish all of said chapter 628, 1857, except such parts thereof as are manifestly inconsistent or in conflict with the provisions of said chapter 175, 1870.

the requirements fixed by the board shall have been complied with. Part of § 4, ch. 628, 1857. [All such licenses shall expire at the end of one year from the time they shall be granted. Part of § 3, ch. 175, 1870.]

§ 1568. The commissioners of excise in the several counties in this state are hereby required to make annual reports to the boards of supervisors of said counties at each annual meeting of said boards, and within the first five days from the first day of such annual meeting in each and every year after the passage of this act. § 1, ch. 274,* 1860.

§ 1569. Such report shall be in writing, and shall be signed by the said commissioners, or a majority of them, and shall contain a true statement of all moneys received by them as such commissioners in their official capacity during the year preceding the date of said report, and also the name of every person in said county to whom the said commissioners have granted a license to sell strong and spirituous liquors under any section of the excise law, passed April sixteenth, eighteen hundred and fifty-seven. § 2, same ch.

§ 1570. Such report, when so made as aforesaid, shall be verified by oath or affirmation of the said commissioners, or a majority of them, and shall contain a written statement indorsed thereon, signed by the county treasurer of the county, setting forth the whole amount of money paid over to them by said commissioners during the same year in which such report shall be made, and the said commissioners shall also report to said boards the whole amount of fines or penalties received by them in their official capacity from any and every person for any violation of the act entitled "An act to suppress intemperance, pauperism and crime," passed April sixteenth, eighteen hundred and fifty-seven, and in case said commissioners or either of them shall neglect or refuse to report as aforesaid, he or they shall forfeit and pay one hundred dollars for every such neglect or refusal, to the use of the people of the county in which he or they may reside. § 3, same ch.

§ 1571. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. § 4, same ch.

§ 1572. [In no town or village shall the commissioners of excise created by this act (chapter 175, 1870) appoint a clerk of the board of excise. Part of § 7, ch. 175, 1870.] Each of said boards of commissioners of excise [in cities] shall have the right to appoint a clerk for the time they

* "An act requiring the commissioners of excise of the several counties of this state to report annually to the boards of supervisors of the several counties," passed April 11, 1860; three-fifths being present.

commissioners, and when same to expire.

Commissioners to make annual report.

Contents of report.

To be verified by oath. See ante, sec. 1568.

Statement by county treasurer.

Penalties for neglect to report.

No clerk of commissioners in towns or villages to be appointed, but may be in cities.

Book of minutes.

To be deposited.
No fee to be received for granting licenses.

Clerk may take affidavits, &c.

Granting license, not to be done except upon compliance with conditions

For modifications of this section, see ante, sec. 1561.

may be actually in session, in accordance with the provisions of this act, such clerk to receive the same compensation as is allowed by this act to each of the commissioners. They shall keep a book of minutes of proceedings, on which shall be entered the names of all applicants for license, and they shall also enter on said book a list of all licenses granted, with the names of the parties to whom the same are granted, and the names of the securities to the bond required in each case. The said book of minutes shall be deposited in the office of the county clerk. No fee or reward shall be taken by any board of excise, or by any member thereof, or by any clerk thereof, for any license to keep an inn, tavern or hotel, or to sell strong or spirituous liquors, or for any service required of such board, nor shall any compensation be retained by any such board, or by any member thereof, or by any clerk thereof, out of the excise money.* The expenses of procuring necessary books for minutes and necessary blanks, when actually incurred [except as provided in § 7, ch. 175, 1870, for towns and villages], shall be audited and paid in like manner as other county charges. § 5, ch. 628, 1857, as modified by § 7, ch. 175, 1870.

§ 1573. The clerks of the several boards of excise [of cities] in this state shall have the same power to take affidavits and acknowledgments of any instrument to be used before such boards, as justices of the peace; but they shall receive no fees for the same. § 1, ch. 161, 1862, as modified by § 7, ch. 175, 1870.

§ 1574. License shall not be granted to any person to sell strong and spirituous liquors and wines to be drank on the premises of the person licensed, unless such person proposes to keep an inn, tavern or hotel, nor unless the commissioners are satisfied that the applicant is of good moral character, that he has sufficient ability to keep an inn, tavern or hotel, and the necessary accommodations to entertain travelers, and that an inn, tavern or hotel is required for the actual accommodation of travelers, at the place where such applicant resides or proposes to keep the same; all of which shall be expressly stated in such license: and no such license shall be granted except on the petition of not less than twenty respectable freeholders of this state residing in the election district where such inn, tavern or hotel is proposed to be kept, by them duly signed, and

*The following words appearing in the original section, to wit: "but the whole amount thereof shall be paid over to the county treasurers for the use of the poor in the several counties; but the persons composing such board of excise shall be entitled each to receive the sum of three dollars per day for services actually performed, to be allowed and paid in like manner as other county charges, and no other or greater compensation shall be allowed," have been omitted for the reason that sections 3 and 7, chapter 175, 1870, provide for the pay of commissioners, and prescribe the manner of disposing of the excise moneys by the commissioners.

ed by the oath of a subscribing witness, and not then
 in the opinion of the commissioners such inn,
 or hotel is necessary or proper, and not more than
 cense shall be granted on the memorial of the same
 oners or any of them; all petitions upon which such
 es shall be granted shall be filed with the county
 within eight days. And in case the commissioners
 grant any license contrary to the provisions of this
 ey shall be deemed guilty of a misdemeanor. § 6,
 18, 1857.

575. Nor shall such license to keep an inn, tavern Bond to be
 executed
 by appli-
 cant.
 tel be granted until the applicant shall have executed
 elivered to the board of commissioners of excise here-
 vided a bond to the people of this state, in the penal
 f two hundred and fifty dollars, with sufficient sure-
 who shall duly justify in the sum of five hundred
 s, to be approved by the board of commissioners,
 a condition that such applicant during the time that
 all keep any inn, tavern or hotel will not suffer it
 disorderly, or suffer any gambling, or keep a gam-
 table of any description, within the inn, tavern or
 so kept by him, or in any outhouse, yard or garden
 ing thereto. § 7, same ch.

576. Every keeper of an inn, tavern or hotel, in any Beds to be
 kept by
 keepers of
 inns, &c.,
 for guests.
 e towns or villages of this state, shall keep in his
 at least three spare beds for his guests, with good
 sufficient bedding, and shall provide and keep good
 sufficient stabling, and provender of hay in the win-
 and hay or pasturage in the summer, and grain for
 horses or other cattle more than his own stock, for
 accommodation of travelers; and every keeper of an
 tavern or hotel, in the cities of this state, shall keep
 at three spare beds and the necessary bedding, for
 accommodation of travelers. For every neglect or Penalty
 for neglect
 to be re-
 covered
 for use of
 the poor.
 it in having either of the articles herein required,
 keeper shall forfeit ten dollars, to be recovered by
 overseer of the poor for the use of the poor. § 8,
 ch.

577. Every inn, tavern or hotel keeper licensed under Sign to be
 put up by
 hotel
 keepers.
 rovisions of this act shall, within thirty days after
 aining his license, put up a proper sign on or adjacent
 e front of his house, with his name thereon, indicat-
 hat he keeps an inn, tavern or hotel, and he shall
 up such sign during the time that he keeps an inn,
 a or hotel. For every month's neglect to keep up Penalty
 for neg-
 lect.
 sign he shall forfeit ten dollars. § 9, ch. 628, 1857.

578. No inn, tavern or hotel keeper who shall trust No recov-
 ery when
 inn keep-
 ers trust
 others
 erson other than those who may be lodgers in his
 , for any sort of strong or spirituous liquors or wines,
 be capable of recovering the same by any suit. All

1, tavern or hotel keeper, shall forfeit fifty dollars for each offense. § 14, ch. 628, 1857.

§ 1583. No inn, tavern or hotel keeper, or any other person licensed to sell any strong or spirituous liquors or wines, shall sell or give away any such liquors or wines to any Indian or apprentice, knowing or having reason to believe him to be such, without the consent of his master or mistress, nor to any minor under the age of eighteen years, without the consent of his father or mother or guardian. Whoever shall offend against either of these provisions shall forfeit ten dollars, to be recovered by the master of such apprentice or servant, or by the parent or guardian of such minor; and any person who shall sell or give away strong or spirituous liquor to any Indian in this state shall be deemed guilty of a misdemeanor, and, on conviction, shall be liable to a fine of twenty-five dollars for each and every offense. § 15, same ch.

Hotel keepers not to sell to Indians, apprentices or minors without consent of guardian, &c.

Penalty.

§ 1584. It shall be the duty of every sheriff, under-sheriff, deputy sheriff, constable, marshal, policeman, or officer of police, to arrest all persons actually engaged in the commission of any offense in violation of this act, and forthwith to carry such person before any magistrate of the same city or town, to be dealt with according to the provisions of this act; and it shall be the duty of such magistrate, on sufficient proof that such offense has been committed, unless such person shall elect to be tried before such magistrate, and unless the offense charged be intoxication in any public place, to require a bond to be executed by such offender in the penal sum of one hundred dollars, with sufficient sureties, conditioned that such offender will appear and answer the charge at the next court of oyer and terminer or sessions to be held in said county, and abide the order and judgment of the court therein, or to commit such offender to the county jail until such judgment of said court, or until he be discharged according to law. And it shall be the duty of the magistrate to ascertain any complaint of a violation of this act, made by any person under oath, and forthwith to issue a warrant and cause such offender to be brought before him, to comply with the provisions of this section; and such magistrate shall, within ten days, cause such bond, together with all papers and affidavits, with a list of the names and residences of the complainants and witnesses examined before him, to be delivered to the district attorney of the county, whose duty it shall be forthwith to prosecute the same. § 16, ch. 628, 1857, as amended by l. ch. 856, 1869.

Duty of sheriff, &c. 3 P. C. R. 600.

Duty of magistrate.

§ 1585. It shall be the duty of every such officer, whenever he shall find any person intoxicated in any public

Intoxicated persons.

Punish-
ment by
fine and
imprison-
ment.
§ P. C. R.
386.

Penalty
for neglect
of duty by
officers
and magis-
trates.

Metropoli-
tan police
district
excepted.
Act to ap-
ply to sale
of ale and
beer.
See ante,
§ 1561, ch.
175, 1870,
for modifi-
cations of
this sec-
tion.
Licenses
therefor.
Metropoli-
tan police
district
excepted.

Forfeiture
for sale of
spirituous
liquors to
intoxicated
per-
sons.

Duty of
magis-
trates and

plate, to apprehend such person and take him before some magistrate of the same city or town; and if such magistrate shall, after due examination, deem him too much intoxicated to be examined, or to answer on oath correctly, he shall direct said officer to keep him in some jail, lock-up, or other safe and convenient place until he shall become sober, and thereupon forthwith to bring him before said magistrate, whose duty it shall then be forthwith to try him for such offense; and such person, when thus charged with intoxication in any public place, shall not be allowed his election to give a bond, as provided for in section sixteen of this act, for his appearance before the next court of oyer and terminer or sessions, and, upon his conviction by the magistrate of such offense, such person shall be fined not less than three nor more than ten dollars, in the discretion of the magistrate trying him, and costs at the same rate as in courts of special sessions, and imprisonment in the county jail, work-house or penitentiary until paid, not, however, less than ten days, nor to exceed six months. The offense of intoxication in any public place being hereby declared an offense against the provisions of this act, and punishable as above provided, it shall be the duties of such officers to arrest, or cause to be arrested, all such persons when so intoxicated, and of the magistrate to entertain such complaints and make such examination, under the penalty of fifty dollars, with full costs of suit, for any neglect to comply with the provisions of this section. § 17, ch. 628, 1857, as amended by § 2, ch. 856, 1869.

§ 1586. Nothing in this act contained shall apply to the metropolitan police district. § 3, ch. 856, 1869.

§ 1587. All the provisions of this act, as amended, shall be held to apply to the sale of ale or beer, except so much thereof as forbids the granting of license to any person, except to such persons as propose to keep an inn, tavern or hotel; and the commissioners of excise may, in their discretion, grant license for the sale of ale or beer for a sum not less than ten dollars to other than those who propose to keep an inn, tavern or hotel; and the provisions of this act shall extend to all portions of the state, except the metropolitan police district. § 4, ch. 856, 1869.

§ 1588. Whoever shall sell or give away any strong or spirituous liquors or wines, or shall suffer any such liquors or wines to be sold or given away under his direction or authority, to any intoxicated person, shall forfeit not less than ten nor more than twenty-five dollars for each offense. § 18, ch. 628, 1857.

§ 1589. It shall be the duty of the magistrates and overseers of the poor in any town or city, on complaint



satisfactory proof by a wife that her husband is an habitual drinker of intoxicating liquors, to issue written notices to all dealers in intoxicating liquors against whom such complaint is made, forbidding the sale or giving of such liquor to such husband for the term of six months from the date of the notice, under a penalty of fifty dollars, with costs for each and every sale or giving of such liquor after such notice shall have been given; to be sued in her own name and for her own use. It shall be the duty of such magistrates and overseers of the poor to forbid the sale in like manner in all cases when a husband shall make like satisfactory proof concerning the wife, and all the provisions of this section shall apply the same in either case. It shall be the duty of magistrates and overseers of the poor, when like proof is made by a parent concerning a child, who is a minor under the age of twenty-one years, or by a child concerning a parent, to forbid the sale in like manner; and all the provisions of this act shall apply as in other cases named above. § 19, L. 628, 1857.

overseers of poor on proof that husband, wife or child are habitual drinkers of intoxicating liquors.

Duties of overseers of the poor.

§ 1590. It shall not be lawful under the provisions of this act to sell intoxicating liquors to any person guilty of habitual drunkenness, nor to any person against whom the seller may have been notified by parent, guardian, husband or wife, from selling intoxicating liquors, and every party so selling or retailing intoxicating liquors shall, on proof thereof before any court of competent jurisdiction, be deprived of his license to sell, and shall not be allowed a renewal of said license, and, in addition, on conviction shall be punished by a fine of not less than twenty dollars, nor more than fifty dollars for each and every violation of the provisions herein set forth. If any inn, tavern or hotel keeper, or any other person or persons whatsoever, knowingly (outside of any poor-house) shall sell or give to any pauper or inmate of any poor-house or almshouse, strong or spirituous liquors or wines, such person or persons so offending shall be fined twenty-five dollars, and be guilty of a misdemeanor, and on conviction shall be imprisoned not more than sixty days. § 20, same ch.

Habitual drunkards, and paupers.

Penalty.

See ch. 220 1840.

§ 1591. No inn, tavern or hotel keeper, or person licensed to sell liquors, shall sell or give away any intoxicating liquors or wines on Sunday, or upon any day on which a general or special election or town meeting shall be held, and within one-quarter of a mile from the place where such general or special election or town meeting shall be held, in any of the cities, villages or towns of this state, to any person whatever as a beverage. In case an election or town meeting shall not be general throughout the state, the provisions of this section in such case, shall only apply to the city, county, village or towns in

Sundays and election days. 3 P. C. R. 431. 44 Barb. 170. 42 Barb. 29. 35 How. 365.

which such election or town meeting shall be held. Whoever shall offend against the provisions of this section shall be guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail, workhouse or penitentiary not more than twenty days. § 21, ch. 628, 1857.

Penalties,
now sued
for.
To be ap-
plied to
support of
poor. 18
How. 302.

§ 1592. The penalties imposed by this act, except the penalties provided for by sections eight, fifteen and nineteen, shall be sued for and recovered in the name of the board of commissioners of excise, and paid over to the treasurer of the county for the support of the poor of the county. § 22, same ch.

Bonds to
be filed.

§ 1592½. Every bond taken pursuant to the provisions of this act shall, within ten days after the execution of the same, be filed in the office of the clerk of the town or village in which the license shall be granted, and in cities, in the city clerk's office. § 23, same ch.

When
breach of
condition,
commis-
sioners,
supervisor
of town,
&c., to
prosecute
and recov-
er penalty.

§ 1593. Whenever a breach of the condition of such bond given upon the granting of any license shall happen, it shall be the duty of the commissioners of excise, the supervisor of the town, mayor of the city, or the trustees of the village in which the person who shall incur the penalty shall reside, to prosecute the same and recover the penalty therefor. § 24, same ch.

In case of
any con-
viction or
judgment,
justice or
court to
transmit
statement
to ses-
sions.

§ 1594. Whenever any conviction or judgment shall be obtained against any person licensed to sell strong or spirituous liquors or wines, for any violation of the provisions of this act, either in a suit for a penalty or in a suit upon a bond given by such person, it shall be the duty of the justice or court before whom the same shall be had to transmit to the next court of sessions of the county a statement of such conviction or judgment, and the offense for which it was obtained. § 25, same ch.

Revoking
of license.

§ 1595. The said court shall cause the person or persons against whom such conviction or judgment was obtained to be notified to appear on such day as the court shall appoint to show cause why any such license that may have been granted to him or them should not be revoked. At the day appointed, and on such other days as the court shall appoint, it shall proceed to inquire into the circumstances, and shall revoke the license granted to the person or persons violating the provisions of this act. § 26, same ch.

When
license
revoked
persons
not to sell
liquors for
three
years.

§ 1596. The person whose license shall be revoked shall be incapable of receiving any such license to sell strong or spirituous liquors or wines for the space of three years from the time of such revocation. § 27, same ch.

Persons
selling
contrary
to provi-
sions of this

§ 1597. Any person who shall sell any strong or spirituous liquors or wines to any of the individuals to whom it is declared by this act to be unlawful to make such

sale shall be liable for all damages which may be sustained in consequence of such sale; and the parties so offending may be sued in any of the courts in this state by any individual sustaining such injuries, or by the overseers of poor of the town where the injured party may reside, and the sum recovered shall be for the benefit of the party injured. § 28, ch. 628, 1857.

act, to be liable for all damages.

Overseers may sue.

§ 1598. It shall be the duty of courts to instruct grand jurors to inquire into all offenses against the provisions of this act, and to present all offenders under this act and also all persons who may be charged with adulterating imported or other intoxicating liquors with poisonous or deleterious drugs or mixtures, or selling the same, or with knowingly importing or selling intoxicating liquors or wines adulterated with poisonous or deleterious drugs or mixtures; which offenses are hereby declared to be misdemeanors, to be punished by imprisonment in the penitentiary, workhouse or jail, for a period of three months, and by a fine of one hundred dollars. § 29, same ch.

Duty of courts to instruct grand jurors.

Adulterated liquors.

Misdemeanors.

§ 1599. In case the parties or persons whose duty it is, by the provisions of this act, to prosecute, shall neglect to prosecute for any penalty provided by this act, for the period of ten days after complaint to them that any provision of this act has been violated, accompanied with reasonable proof of the same, any other person may prosecute therefor in the name of the board of commissioners of excise. § 30, same ch.

If person whose duty it is neglects to prosecute for penalty any person may do so.

§ 1600. All incorporated companies and persons in this state, engaged in conveying passengers, including especially all railroad, steamboat and ferry companies, and all kinds of corporations conveying for hire persons or property, shall be, and are hereby, required to refuse employment to all persons who, on good and sufficient proof, shall be shown to indulge in the intemperate use of intoxicating drinks; and any such company which shall retain in its employ any person or persons who shall, on competent proof, be shown to be intoxicated at any period while in the active service of said company or person, either as engineer, conductor, fireman, switch-tender, commander, pilot, mate or foreman, or to be in any way connected with the moving power or management, or whose duty, if neglected, would diminish the safety and security of life, limb or property intrusted thereto, said company or corporation shall be liable to pay a sum of not less than fifty dollars nor more than one hundred dollars to the county treasurer in the county where the offense may be committed and proved before any court of competent jurisdiction. § 31, same ch.

Employment of intemperate persons by carriers of passengers prohibited when.

Penalty.

Persons
against
whom
judgments
recovered
under this
act, not
entitled to
jail lib-
erties.

Repeal of
inconsis-
tent acts.

Sale or
pledge of
property
exempt
from ex-
ecution,
void when
made for
intoxica-
ting
liquors.
See ante,
§ 1578.

Penalty
for giving
liquors to
Indians.

See ante,
§ 1583.

Provision
relative to
pawns or
pledges
made by
Indians
for
liquors.

See ante,
§ 1583.

§ 1601. In any judgment rendered or recovered on any bond to be given under this act, or for any penalty incurred under this act, the person or persons against whom such judgment shall be rendered shall not be entitled, under any execution issued on such judgment, to the liberties of the jail. § 32 ch. 628, 1857.

§ 1602. Title nine of chapter twenty of the first part of the Revised Statutes, and the act entitled "An act for the prevention of intemperance, pauperism and crime," passed April ninth, eighteen hundred and fifty-five, and all other acts inconsistent with the provisions of this act, are hereby repealed. § 33, same ch.

§ 1603. Every assignment, sale or pledge of articles which are now exempt by law from execution, and of property exempted by this act, and every levy or sale of such articles or property by virtue of an execution, by consent of the defendant therein, shall be void where the consideration, or any part thereof, for which such assignment, sale or pledge was made, or for the debt on which judgment was rendered in any court, and on which such execution was issued, was for the sale of intoxicating liquors; and in any action commenced for the recovery of the value of the property sold as aforesaid, the person for whose benefit such sale or transfer was made may be called and examined as a witness as to the fact of the sale of intoxicating liquors so made, in the same manner, and subject to the same penalties, as if called in any other case. § 3, ch. 157, 1842.

§ 1604. Every person who shall sell or give to any Indian within this state, any spirituous liquor or any intoxicating drink, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty-five dollars nor more than fifty-dollars, or by imprisonment in the county jail of not more than thirty days, or by both such fine and imprisonment. § 1, ch. 420, 1849, as amended by § 1, ch. 614, 1857.

§ 1605. Every person who shall receive from any Indian residing on any Indian reservation within this state, or any Indian residing in this state, either absolutely in payment or exchange, or in pawn or pledge for the payment, in whole or in part, for any spirituous liquor or intoxicating drink, sold or delivered to such Indian, or to any other Indian, any blanket, wearing apparel, implement, or other goods or chattels, shall forfeit ten times the value of the article so received, to be sued for and recovered, with costs, by such agent as shall be appointed by the authority of the tribe or band to which such Indian shall belong, or with which he shall reside; or by the attorney (if any) appointed by the authority of this state for such tribe or band, and in the name of such tribe or

people of the state of New York. And if there be an attorney or agent, such suit shall be prosecuted by the overseers of the poor of the town in which such person shall reside, in and by their name of office. Any Indian shall be a competent witness to prove the receipt of goods or chattels, and to prove the sale or gift of intoxicating drink to any Indian. Any article or property sold, exchanged or pawned, or pledged as afore-said, or spirituous liquor or any intoxicating drink, or the value thereof, may be reclaimed and recovered by the Indian so selling or pledging the same, from the person to whom the same shall have been sold or pledged, or any other person to whom it may have been delivered, assigned, sold or transferred; and for the recovery of the same such Indian may maintain an action in any court having cognizance thereof. And in case such action shall not be brought or commenced within twenty days after the sale or pledge of such article or property, then it shall be lawful for the peace-makers of the reservation to which he belonged, and if there be no peace-makers of the reservation, to demand, and recover the article or property so sold or pledged, in any court having cognizance thereof, in and by the name of office; in which action the Indian who made such sale or pledge shall be a competent witness for the plaintiff. § 2, ch. 420, 1849.

Overseers
when to
prosecute.

Any
Indian
a compe-
tent wit-
ness.

Duty of
peace-
makers.

§ 6. Courts of special sessions shall have jurisdiction and power to hear and determine charges for misdemeanors committed within their respective counties, in violation of any statute prohibiting the selling or giving to any Indian any spirituous liquors or intoxicating drinks, and shall proceed thereon in the manner prescribed in the third title of the second chapter and fourth part of the Revised Statutes, as amended by subsequent acts, except that such courts shall have and exercise jurisdiction and power without requiring the party charged to give bail for his appearance at the next criminal court, and the giving of such bail shall not deprive the courts of special sessions of the said jurisdiction and power. § 5, ch. 420, 1849, as amended by § 2, ch. 1857.

Powers of
courts of
special
sessions.

§ 7. When any fine shall be imposed upon a convicted person for any such misdemeanor, the costs and expenses incurred in prosecuting the same shall first be paid out of any such fine, and one moiety of the residue shall be paid into the treasury of the nation of Indians to which the Indian to whom such liquor or drink was sold or given shall belong, in which he shall be residing; and if there shall be no treasurer, then to the chiefs of the tribe or nation in which the Indian belongs, or with which he was resid-

Fines, how
recovered,
and to
whom
paid.

ing, to whom such liquor or drink was sold or given, to be applied to the public purposes of such nation or tribe, and the other moiety shall be paid into the treasury of the county where the conviction shall be had. § 6, ch. 420, 1849.

CHAP. LXXII.

RELATING TO THE SAFE-KEEPING AND CARE OF LUNATICS, IDIOTS AND DRUNKARDS, AND TO STATE ASYLUMS THEREFOR, AND ALSO TO THE CUSTODY AND DISPOSITION OF THE ESTATES OF SUCH PERSONS.

ARTICLE ONE.

Care of habitual drunkards. Sections 1608-1618.

ARTICLE TWO.

Custody and disposition of the estates of idiots, lunatics, persons of unsound mind, and drunkards. Sections 1619-1656.

ARTICLE THREE.

Safe-keeping and care of lunatics. Sections 1657-1670.

ARTICLE FOUR.

State Lunatic Asylum at Utica. Sections 1671-1732.

ARTICLE FIVE.

The Willard Asylum for the Insane. Sections 1733-1745.

ARTICLE SIX.

Hudson River State Hospital. Sections 1746-1759.

ARTICLE SEVEN.

Buffalo State Asylum for the Insane. Sections 1760-1773.

ARTICLE EIGHT.

The State Homœopathic Asylum for the Insane, at Middletown. Sections 1774-1786.

ARTICLE NINE.

State Lunatic Asylum for Insane Criminals. Sections 1787-1801.

HABITUAL DRUNKARDS.

491

ARTICLE TEN.

Asylum for Idiots. Sections 1802-1823.

ARTICLE ELEVEN.

York State Inebriate Asylum. Sections 1824-1851.

ARTICLE ONE.

CARE OF HABITUAL DRUNKARDS.

§ 1608. Powers of overseers of poor to forbid sale or delivery of liquor to drunkards and others.

1609. Penalty for selling, &c., contrary to notice, except ordered by a physician.

1610. Person designated as a drunkard may contest the fact.

1611, 1612, 1613. Such fact, how tried and determined.

1614. Verdict of jury; its effect.

1615, 1616. Cost for and against overseers, when to be allowed; how collected.

1617. Accounts of overseers for services, how allowed and paid.

1618. When overseers may revoke notice given by them or their predecessors.

1608. Whenever the overseers of the poor of any city or town shall discover any person to be an habitual drunkard, they may, by writing under their hands, designate and describe such drunkard, and by written notice, signed by them, require every merchant, distiller, shop-keeper, tavern-keeper, or other dealer in spirituous liquors, and every other person residing within the city or town where such drunkard shall reside, or in any other city or town near to or adjoining such city or town, not to give or sell, under any pretense any spirituous liquors to such drunkard. § 1, title 4, ch. 20, part 1, R. S. (1 R. S. 636.) Every person upon whom the notice mentioned in the first section has been served, shall be liable to the forfeiture prescribed in the second section (§ 1609) of this title, whenever any clerk, agent or member of the family of such person shall knowingly give or sell, in any manner whatever, spirituous liquors to any person designated as an habitual drunkard in the manner mentioned in the first section; except by the personal direction or in a written certificate of some physician, stating that such liquor is necessary for the preservation or recovery of the health of such drunkard, as prescribed in such section. § 1, ch. 229, 1840. Where the parents

Delivery of liquor to drunkards how prohibited.

See ante, §§ 1589 and 1590.

Forfeitures under § 1609.

Minors and apprentices.

or guardian of a minor under sixteen years of age, or the master of an apprentice or servant, have been designated by the overseers of the poor as habitual drunkards, no tavern-keeper, grocer or other person licensed to sell any strong or spirituous liquors or wines shall sell any such liquors or wines to any such minor, or apprentice, or servant, without the consent of the overseers of the poor of the city or town where such minor, or apprentice, or servant shall reside, and whoever shall offend against the provisions of this section shall forfeit the penalty prescribed by section seventeen of title nine* of chapter twenty of the first part of the Revised Statutes, to be recovered by such overseers of the poor.

Duty of overseers of the poor.
7 Paige 312;
8 Id. 198; 2
Id. 422.

§ 2, same ch. Whenever the overseers of the poor of any city or town shall discover any person to be an habitual drunkard, they shall, by writing, under their hands, designate and describe such drunkard and perform all the services and duties mentioned and specified in section first of title four of chapter twenty of the first part of the Revised Statutes. § 3, same ch.

Penalty for disobeying notice, and the same to go to use of the poor.

§ 1609. If, after the personal service of such notice, any such person shall knowingly give or sell, in any manner whatever, spirituous liquors to any such drunkard, except by the personal direction or on the written certificate of some physician regularly licensed to practice, according to the laws of this state, stating that such liquor is necessary for the preservation or recovery of the health of such drunkard, he shall forfeit for every offense the sum of ten dollars, for the use of the poor of the town where such drunkard resides. § 2, title 4, ch. 20, part 1, R. S. (1 R. S. 636.)

Charge may be contested.

§ 1610. Any person so designated by the overseers of the poor as an habitual drunkard may apply to any justice of the peace of the city or town in which the person so designates resides, for process to summon a jury to try and determine such fact of drunkenness. § 3, same title.

Proceedings.

§ 1611. On such application, the justice shall immediately give notice thereof in writing to the overseers of the poor, specifying the time and place where the parties shall meet for the trial of such fact, and shall issue a venire to any constable to summon a jury of twelve persons, competent to serve on juries, to appear at the said time and place for the purpose of trying the said fact. § 4, same title. (1 R. S. 637.)

Venire.

Id. Jury.

§ 1612. Such jury shall be summoned, returned, and six of them shall be ballotted for by such justice, and shall be sworn well and truly to try the fact of the

* By section 33 of chapter 623, 1857 (see ante, section 1602), said title 9 of chapter 20 of the first part of the Revised Statutes is repealed.

alleged drunkenness, in the same manner as for the trial of issues in suits brought before a justice of the peace; and witnesses shall be summoned, and their attendance and testimony enforced, and they shall be sworn and examined before the said jury in like manner. § 5, same title.

§ 1613. The said jury shall hear the allegations and proofs offered on both sides, and shall proceed, in all respects as in trials at law, to render their verdict; which verdict shall be entered by such justice in a book to be provided by him for the purpose. § 6, same title.

Jury.
Trial.

§ 1614. The said verdict, or an attested copy thereof, under the hand of such justice, shall be received and deemed to be presumptive evidence of the fact thereby found, in any action between the overseers of the poor and any person prosecuted by them for the penalty hereinbefore imposed. § 7, same title.

Effect of
verdict.

§ 1615. If by the verdict of the jury it shall be found that the person demanding such trial is an habitual drunkard, the justice shall enter judgment against such person, and award execution for the costs of the overseers of the poor in attending such trial, in the same manner as in suits between individuals, which justices of the peace are authorized to try and determine. § 8, same title.

Costs.

§ 1616. If it be found that such person is not an habitual drunkard, such justice shall in like manner enter judgment and award execution for the costs of such person against the said overseers, unless it shall appear to such justice that the said overseers acted in good faith, and had reasonable cause to believe such person an habitual drunkard; in which case no costs shall be awarded against them, but each party shall pay their own costs. § 9, title 4, ch. 20, part 1 R. S. (1 R. S. 637.)

Id.

§ 1617. The accounts of the overseers of the poor for the expense of defending against any such application shall be audited and allowed in the same manner as the other expenses of such city or town. § 10, same title.

Overseers,
how paid
for ser-
vices.

§ 1618. If at any time the overseers of the poor shall be satisfied that such drunkard has reformed and become temperate they may revoke and annul any such notice given by them or any of their predecessors in office. § 11, same title.

When no-
tice may
be re-
voked.

ARTICLE TWO.

CUSTODY AND DISPOSITION OF THE ESTATES OF IDIOTS, LUNATICS, PERSONS OF UNSOUND MIND, AND DRUNKARDS.

SECTION 1619. Custody of lunatics and of their estates, supreme or county court to have.

1620. Overseers of the poor, when to make application in respect to drunkards.

1621. In certain cases application may be made to the county court.

1622. In such cases, application may be made to county judge; his duty.

1623. If inquisition be traversed, issue to be awarded; trial and verdict.

1624. Appeals from decisions of county court, when and how to be made.

1625. Expenses of overseers in conducting application, how paid.

1626. Every committee appointed to file inventory within six months, &c.

1627. Inventories to be verified by oath; before whom oath to be taken.

1628. Filing of such inventories may be compelled by the court.

1629. Receivers and committees may hold trusts, and sue &c.

1630. Application for sale of real estate or any interest therein of lunatics, idiots, or persons of unsound mind may be made.

1631. Bonds on such applications.

1632. Such bonds, when to be ordered prosecuted.

1633. Merits of applications, how inquired into.

1634. When the leasing or selling of real estate will be ordered.

1635. No real estate or interest therein to be disposed of contrary to provisions of will or deed.

1636. Contract, when made, to be reported to court; and if confirmed, conveyance to be executed.

1637. Effect of such sales, &c.

1638. Proceeds, how disposed of, and committee required to account.

1639. Interest of lunatics or persons of unsound mind in proceeds; such proceeds to be deemed real estate.

1640. Real estate subject to dower, or other life estate; how such dower or life estate satisfied out of the proceeds.

1641. Before moneys are paid or investments made in such satisfaction, court to be satisfied of release having been made.

1642. Committee may petition for order to sell, &c., real estate to pay debts.

1643. Reference to be made on such petition.

1644. On coming in of report, court may make order for mortgaging, &c.



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ON 1645. Court may require additional security to be given by committee.

1646. Committee to pay debts without preference to sealed instruments.

1647. Similar application may be made to provide for support of idiots, &c.

1648. In such case, court to direct how proceeds shall be secured and applied.

1649. Court to give orders respecting sales; conveyance, when to be executed.

1650. Petition by committee for order to convey, where idiot, &c., is mortgagee, &c.

1651. Party entitled to such conveyance may also apply; court may make order.

1652. Effect of conveyances, mortgages and leases executed.

1653. Specific performance of contracts, &c., made by lunatics, etc., may be decreed.

1654. Real estate not to be leased for more than five years, &c.

1655. If party become capable of conducting his affairs, his estate to be restored.

1656. If party die, powers of his trustees to cease; estate, how disposed of.

1619. The supreme court^a shall have the care and custody of all idiots, lunatics, persons of unsound mind, persons who shall be incapable of conducting their affairs in consequence of habitual drunkenness, and their real and personal estates, so that the same shall be wasted or destroyed; and shall provide for their keeping and maintenance, and for the maintenance of their families and the education of their children, out of their personal estates and the rents and profits of their estates respectively.^b § 1, title 2, ch. 5, part 2, R. S. (S. 52.) [The county court has jurisdiction in the custody of the person and estate of a lunatic, or of an unsound mind, or an habitual drunkard residing within the county. Sub. 8 of § 30 of the Code of Procedure.]

Supreme court to have custody of idiots, &c.

County court.

1620. Whenever the overseers of the poor of any city or town in this state discover any person, resident therein, to be an habitual drunkard, having property to the amount of two hundred and fifty dollars, which may be endangered by means of such drunkenness, it shall be the duty to make application to the supreme court for the exercise of its powers and jurisdiction. § 2, title 2, part 2, R. S. (2 R. S. 52.)

Habitual drunkards.

Duty of overseers of the poor. § N. Y. 116; 16 How. 500.

1621. If such drunkard have property to an amount

Th. Application,

^a "supreme court" substituted for "chancellor" and "court of chancery" pursuant to chapter 290 of 1847.
^b 12 Gr. 540; 3 id. 201; 5 id. 120; 7 id. 237; 2 Barb. Ch. 326; 1 Barb. 441; 3 id. 442; 4 id. 346; 29 Barb. 51; 16 id. 313; 1 How. 226; 6 id. 246; 3 id. 448; 24 id.; 1 Abbott, 110.

when
made to
county
court.

less than two hundred and fifty dollars, the overseers may make such application to the county court^a of the county, which is hereby vested with the same powers in relation to the person and real and personal estate of such drunkard, as are by this title conferred on the supreme court, and shall in all respects proceed in the like manner, subject to an appeal to the supreme court. § 3, same title.

Ib. When
to county
judge.
6 N. Y. 116.

§ 1622. Application for a commission in such case may be made in vacation to the county judge of the county, who may award the same to one or more proper persons to inquire into the fact of such alleged habitual drunkenness; and the inquisition taken thereon shall be returned to the next county court of the county,^a who shall confirm or set aside the same. § 4, same title.

Ib. Issue,
when to be
awarded.
6 J. C. R.
440.

§ 1623. If the party proceeded against shall traverse the inquisition on its return, an issue shall be directed by the court, as in other cases, which shall be tried in the same court; and the verdict thereon shall have the same effect as if rendered upon an issue awarded by the supreme court. § 5, same title. (2 R. S. 53.)

Ib. Appeal
from de-
cision of
county
court. 3
How. 448.

§ 1624. Appeals from any order, judgment or decree of a county court, made pursuant to the provisions of this title, shall be filed and entered within three months after the making of such order, judgment or decree; and shall be accompanied by a bond, with such sureties as the court shall approve, to the opposite party, in the penalty of one hundred dollars, conditioned for the payment of such costs as shall be awarded against the appellant in case of the order, judgment or decree being affirmed. § 6, title 2, ch. 5, part 2, R. S. (2 R. S. 53.)

Ib. Expens-
es of ap-
plication.

§ 1625. The expenses of the overseers of the poor, in conducting any application under this title, shall be audited and allowed in the same manner as other expenses of such city or town. § 7, same title.

Every
committee
to file in-
ventory.
3 Paige,
146; 26
How. 403.

§ 1626. Every committee of the estate of any idiot, lunatic or other person in the first section of this title specified, shall, within six months after their appointment, file in the office of the clerk of the court which appointed such committee, a just and true inventory of the whole real and personal estate of such idiot, lunatic or other person, stating the income and profits thereof, and the debts, credits and effects, so far as the same shall have come to the knowledge of such committee. And whenever any property belonging to such estate shall be discovered after the filing of any inventory, it shall be the duty of such committee to file as aforesaid a just and true

^a "County court" substituted for "court of common pleas," pursuant to § 30 of the Code of Procedure, sub. 8.

account of the same, from time to time, as the same shall be discovered.* § 8, same title.

§ 1627. Such inventories shall be verified by the oath of the committee, to be taken before a judge of any court of record.^a § 9, same title.

Inventories to be verified by oath.

§ 1628. The filing of such inventories may be compelled by the order and process usual in such cases of the court which appointed the committee. § 10, same title.

Filing of inventories compelled.

§ 1629. Receivers and committees of lunatics and habitual drunkards appointed by any order or decree of the court of chancery [or supreme court], may sue in their own names for any debt, claim or demand transferred to them, or to the possession and control of which they are entitled as such receiver or committee; and when ordered or authorized to sell such demands, the purchaser thereof may sue and recover therefor in his own name, but shall give such security for costs to the defendant as the court in which such suit is brought may direct. § 2, ch. 112, 1845.

Powers of receivers and committees of lunatics and drunkards.

§ 1630. Any lunatic [idiot, or person of unsound mind], seized of any real estate, or entitled to any term for years in lands, or having any tenancy by the curtesy, or any tenancy by the curtesy initiate, may, by committee duly appointed, or if such lunatic is a married woman, having any real estate held by her as her separate estate, or having any dower admeasured, or right of dower, or inchoate right of dower, in any real estate, she may, by committee duly appointed, or by her husband, apply to the supreme court for the sale or disposition of the same, in the manner hereinafter directed. § 1, ch. 417,^b 1864, as modified by ch. 627,^c 1869, and by ch. 37,^d 1870.

Sale of estate of lunatics, &c.

§ 1631. On such application, said committee, or said husband, shall give bond to such lunatic [idiot or person of unsound mind] (in addition to the bond given on appointment as such committee), to be filed with the clerk of said court, in such penalty, with such sureties, and in such form, as the court shall direct, conditioned for the faithful performance of the trust reposed, for the paying over, investing and accounting for all moneys that shall be received by such committee, according to the order of

Bonds for performance of trust.

* Modified by striking out from § 1626 "of the register or assistant register of the court of chancery," and from § 1627 "or a master in chancery."

^b "An act to provide for the sale and conveyance of any interest in real estate belonging to lunatics," Passed April 30, 1864; three-fifths being present.

^c The following is section 1 of chapter 627, 1869, and section 1 of chapter 37 of 1870, to wit:

All the provisions of the act entitled "An act to provide for the sale and conveyance of any interest in real estate belonging to lunatics," passed April thirtieth, eighteen hundred and sixty-four, shall, as far as the same are applicable, be applied to the estates of idiots and persons of unsound mind, and to proceedings for the sale and conveyance of any interest in real estate belonging to them.

any court having authority to give directions in the premises, and for the observance of the orders and directions of the court in relation to the trust. § 2. same ch. as modified.

Prosecutions of forfeited bonds.

§ 1632. If such bond be forfeited, the court shall direct it to be prosecuted for the benefit of the party injured. § 3, same ch.

Reference.

§ 1633. Upon the filing of such bond the court may proceed in a summary manner by reference to a referee, to inquire into the merits of such application. § 4, same ch.

Court may order lease or other disposition of property.

§ 1634. Whenever it shall appear satisfactorily that a disposition of any part of the real estate of such lunatic [idiot or person of unsound mind], or of an interest in any term for years, or of a tenancy by the curtesy, or tenancy by the curtesy initiate in any real estate, or a disposition of any real estate, or of her interest in a term of years of a married woman who is a lunatic [or a person of unsound mind], held by her as her separate estate, or of any dower admeasured, or right of dower, or inchoate right of dower of a married woman who is a lunatic [or a person of unsound mind], is necessary and proper, either for the support and maintenance of such lunatic [idiot, or person of unsound mind] or for his education, or that the interest of such lunatic [idiot, or person of unsound mind] requires or will be substantially promoted by such disposition, on account of any part of such property being exposed to waste and dilapidation, or on account of its being wholly unproductive, or when the same has been contracted to be sold, and a conveyance thereof cannot be made by reason of such lunacy [or unsoundness of mind], or for any other peculiar reasons or circumstances, the court may order the letting for a term of years, or the sale or other disposition, of such real estate or interest to be made by such committee in such manner and with such restrictions as shall be deemed expedient, or may order the fulfillment of said contract by conveyance by such committee according to the terms of the contract. § 5, ch. 417, 1864, as modified by ch. 627, 1869, and by ch. 37, 1870.

No proceedings shall be inconsistent with devises.

§ 1635. But no real estate, or term for years, or any interest in real estate hereinbefore named, shall be sold, leased or disposed of in any manner against the provisions of any last will, or of any conveyance by which such estate or term or interest was devised or granted to such lunatic [idiot, or person of unsound mind]. § 6, same ch. as modified.

Contracts to be reported to court for

§ 1636. Upon an agreement for the sale, leasing or other disposition of such property being made, or upon any conveyance in fulfillment of a contract being exe-

in pursuance of such order, the same shall be referred to the court on the oath of the committee making executing the same, and (except in the case of a conveyance to fill a contract), if the report be confirmed, a conveyance shall be executed under the directions of the

confirmation.

When conveyance to be executed.

§ 7, same ch.

337. All sales, leases, dispositions and conveyances in good faith by such committee, in pursuance of orders shall be valid and effectual as if made by a lunatic when of unsound mind. § 8, same ch.

Sales, &c., to be held valid.

338. The court shall make order for the application and disposition of the proceeds of such property, and for investment of the surplus belonging to such lunatic, or person of unsound mind], so as to secure the for the benefit of such lunatic [idiot, or person of unsound mind]; and shall direct the ascertainment of the of any such tenancy by the curtesy, or tenancy by curtesy initiate, or dower, or right of dower, or in right of dower, and shall direct a return of such investment and disposition to be made on oath as soon as possible, and shall require accounts to be rendered periodically by any committee or other person who may be charged with the disposition of the income of such property.

Proceeds, how disposed of.

Accounts of committee to be rendered.

§ 9, ch. 417, 1864, as modified by ch. 627, 1869, and ch. 37, 1870.

339. No sale made, as aforesaid, of the real estate or interest therein of any lunatic [idiot, or person of unsound mind] shall give to such lunatic [idiot, or person of unsound mind] any other or greater interest or estate in the proceeds of such sale than such lunatic [idiot, or person of unsound mind] had in the estate so sold; but the said proceeds shall be deemed real estate of the same nature as the property sold or the interest therein of the said lunatic [idiot, or person of unsound mind], and the court shall make order for the preservation of the same. § 10, ch. 417, 1864, as modified by ch. 627, 1869, and ch. 37, 1870.

Interest of lunatics, idiots, &c., not increased by sales.

340. If the real estate of any lunatic [idiot, or person of unsound mind], or any part of it, shall be subject to a life estate, and the person entitled to such dower or other life estate, and the person entitled to such dower or other life estate, shall consent in writing to accept a gross sum in lieu of such dower or other life estate, or the permanent investment of a reasonable sum, in such manner as that the interest thereof be made payable to the person entitled to such dower or life estate during life, the court shall direct the payment of such sum in gross, or the investment of such sum as shall be deemed reasonable and acceptable to the person entitled to the said life estate, or other life estate, actual or contingent, in manner aforesaid. § 11, same ch., as modified.

Acceptance of gross in lieu of dower.

Compensation for life estate.

Effectual
release of
dower, &c.

Applica-
tion for
sale, &c.,
of real
estate.
3 Johns.ch.
347; 2 Id.
400.

Proceed-
ings
thereon.
Reference.
5 N. Y. 116.

Id. Order
to be made
on coming
in of re-
port.
5 N. Y. 116.

Additional
security
may be re-
quired. 28
How. 403.

Payment
of debts.

Like appli-
cation for
support of
idiot, &c.,
or of his

§ 1641. Before any such sum shall be paid or such investment made, the court shall be satisfied that an effectual release of such right of dower or other life estate, actual or contingent, has been executed. § 12, same ch.

§ 1642. Whenever the personal estate of any such idiot, lunatic, or other person above specified [in sections 1619-1628,] shall not be sufficient for the discharge of his debts, it shall be the duty of the committee of his estate to apply by petition to the court by which they were appointed, praying for authority to mortgage, lease or sell so much of the real estate of such idiot, lunatic or other person, as shall be necessary for the payment of such debts. The said petition shall set forth the particulars and amount of the estate, real and personal, of such idiot, lunatic or other person, the application which may have been made of any personal estate, and an account of the debts and demands existing against such estate. § 11, title 2, ch. 5, part 2, R. S. (2 R. S. 53.)*

§ 1643. On the presenting of such petition it shall be referred to a referee,^b or to the clerk of the court, to inquire into and report upon the matters therein contained; whose duty it shall be to examine into the truth of the representations made, to hear all parties interested in such real estate, and to report thereon with all convenient speed. § 12, title 2, ch. 5, part 2, R. S. (2 R. S. 54.)

§ 1644. If, upon the coming in of the report and an examination of the matter, it shall appear to the court that the personal estate of the idiot, or other person above specified, is not sufficient for the payment of his debts, and that the same has been applied to that purpose, as far as the circumstances of the case rendered proper, an order shall be entered, directing the mortgage, leasing or sale of the whole or such part of the said real estate as may be necessary to discharge the said debts. § 13, same title.

§ 1645. The court may require any additional security to be given by any such committee for the faithful application and accounting for the proceeds of such mortgage, lease or sale, and may require an account thereof to be rendered from time to time. § 14, same title.

§ 1646. In the application of any moneys raised by any such mortgage, lease or sale, the committee shall pay all debts in an equal proportion, without giving any preference to such as are founded on sealed instruments. § 15, same title.

§ 1647.* When the personal property and the rents, profits and income of the real estate of any such idiot, lunatic, or other person above specified, shall be insuffi-

* See ante, §§ 1630-1641.

^b "Referee" substituted for master in chancery."

cient for his maintenance, or that of his family, or for the education of his children, a similar application may be made by the committee to the supreme court,^a or to the court having jurisdiction, for authority to mortgage or sell the whole, or so much of the real estate as shall be necessary for that purpose; upon which the same reference and proceedings shall be had and a like order shall be entered, as hereinbefore directed. § 16, same title.

§ 1648. In the case last mentioned the court shall direct the manner in which the proceeds of such sale shall be secured, and the income or produce thereof appropriated. § 17, same title.

§ 1649. The court shall give such orders respecting the time and manner of any sale herein authorized as shall be deemed proper; and no conveyance, in pursuance of any such sale, shall be executed until the sale shall have been reported on the oath of the committee and confirmed by the court directing the same. § 18, same title.

§ 1650. Whenever any such idiot, lunatic, or other person above specified, shall be seised or possessed of any real estate by way of mortgage, or as a trustee for others in any manner, his committee may apply to the supreme court^a for authority to convey and assure such real estate to any other person or persons entitled to such conveyance or assurance, in such manner as the said court shall direct; upon which a reference and the like proceedings shall be had, as in the case of an application to sell real estate as aforesaid; and the court, upon hearing all the parties interested, may order such conveyance or assurance to be made. § 19, title 2, ch. 5, part 2, R. S. (2 R. S. 55.)

§ 1651. On the application of any person entitled to such conveyance or assurance, by bill or petition, the committee may be compelled by the supreme court,^b on a hearing of all parties interested, to execute such conveyance or assurance. § 20, same title.

§ 1652. Every conveyance, mortgage, lease and assurance made under the order of the supreme court,^a or of any court, pursuant to the provisions of this title, shall be as valid and effectual as if the same had been executed by such idiot, lunatic, or other person above specified, when of sound memory and understanding. § 21, same title.

§ 1653. The supreme court^a shall have authority to decree and compel the specific performance of any bargain, contract or agreement which may have been made by any lunatic or other person specified in the first section of this title, while such lunatic or other person was

family.
2 Paige, 593.

Id. Court
to give di-
rection as
to pro-
ceeds.

Sales un-
der direc-
tion of
court; con-
veyances.

Petition
by com-
mittee for
order to
convey,
&c.,
when
party is
mortga-
gee, &c.
1 Barb. 498.

Like peti-
tion by
party enti-
tled to
convey-
ance.

Effect of
convey-
ances, &c.,
executed
under this
title.

Specific
perform-
ance may
be decreed
12 Barb.
235; 1 Id.
668.

^a "Supreme Court" substituted for "chancellor."

^b "Court of Chancery" in the original.

capable to contract, and to direct the committee of such person to do and execute all necessary conveyances and acts for that purpose. § 22, same title.

Limitation
of leases,
&c., under
this title.

§ 1654. The real estate of any idiot, lunatic, person of unsound mind, or person incapable of conducting his affairs in consequence of habitual drunkenness, shall not be leased for more than five years, or mortgaged, or aliened or disposed of otherwise than is herein directed. § 23, same title.

Estate,
when to
be restor-
ed. 7
Palge, 313;
4 Seld. 388.

§ 1655. In case any lunatic or other such person shall be restored to his right mind, and become capable of conducting his affairs, his real and personal estate shall be restored to him. § 24, same title.

Estate,
how dis-
posed of
on death
of party.

§ 1656. In case of the death of any idiot, lunatic, person of unsound mind, or person incapable of conducting his affairs, during such state of incapacity, the power of any trustees appointed under this title shall cease, and his real estate shall descend to his heirs, and his personal estate be distributed, according to law, the same as if he had been of sound mind and memory and capable of conducting his affairs. But nothing herein contained shall be held to affect the provisions of any last will and testament, duly made, and which shall be duly admitted to probate. § 25, title 2, ch. 5, part 2, R. S. (2 R. S. 55), as amended by ch. 724, 1865.

ARTICLE THREE.

SAFE KEEPING AND CARE OF LUNATICS.

SECTION 1657. Committee of a lunatic, to confine and maintain him, where and how. Duties of superintendents and overseers.

1658. If he has not property, certain relatives to confine and support him.

1659. Powers of overseers of poor to compel relatives of lunatic to confine him, &c.

1660. Lunatics, how to be secured, and where confined.

1661. Duty of overseers to procure suitable place for confining lunatics.

1662. When lunatics may be confined in jails, but not as disorderly persons.

1663. Not to be confined with criminals, nor more than four weeks in a jail.

1664. Two justices may apprehend lunatic, without application of overseers.

1665. Superintendents and overseers may send lunatics to asylum in New York.

SECTION 1666. Expense thereof, and of maintaining lunatic, how defrayed.

1667. Penalty for confining lunatics otherwise than as herein directed.

1668. Powers of court respecting lunatics, not to be affected by this title.

1669. Proceedings to compel committee of a lunatic to confine and support him.

1670. Superintendents to have the same powers in respect to lunatics, as overseers of the poor.

§ 1657. When any person, by lunacy or otherwise, becomes furiously mad, or so far disordered in his senses as to endanger his own person, or the person or property of others, if permitted to go at large, who is possessed of sufficient property to maintain himself, it shall be the duty of the committee of his person and estate to provide a suitable place for the confinement of such person, and to confine and maintain him in such manner as shall be approved by the overseers of the poor of the city or town. § 1, title 3, ch. 20, part 1, R. S. (1 R. S. 634.) [In every case of lunacy hereafter occurring and provided for by title 3, ch. 20, part first of the Revised Statutes, the lunatic shall be sent within ten days to the State Lunatic Asylum, or to such public or private asylum as may be approved by a standing order or resolution of the supervisors of the county; and the provisions of said title three, allowing other places of confinement beyond ten days, are hereby repealed. The superintendents and overseers of the poor named in the several sections of said title three, are severally enjoined to see that this provision be carried into effect in the most humane and speedy manner; as well in case the lunatic or his relatives are of sufficient ability to defray the expenses, as in case of a pauper. § 20, ch. 135, 1842.]

Lunatics having property to be confined, &c., by their committees. 31 Barb. 473.

Lunatics, how and where to be confined. 5 Barb. 276.

Duties of superintendent and overseer in that respect. See post, §§ 1661-1664.

§ 1658. If such person is not possessed of sufficient property to maintain himself, it shall be the duty of the father and mother, and the children of such person, being of sufficient ability, to provide a suitable place for his confinement, and to confine and maintain him in such manner as shall be approved by the overseers of the poor of the city or town. § 2, title 3, ch. 20, part 1, R. S. (1 R. S. 634.)

Not having property to be confined, &c., by certain relatives.

§ 1659. The overseers of the poor shall have the same remedies to compel such relatives to confine and maintain such lunatic or mad person, and to collect the costs and charges of his confinement, as are given by law in the case of poor and impotent persons becoming chargeable to any town. § 2, same title.

Duty, how enforced.

§ 1660. In case of the refusal or neglect of any committee of such lunatic or mad person, or his relatives, to

Lunatics, how secured. For

modifications of this section see ante, § 1657, and post, §§ 1661-1664.

confine and maintain such person as aforesaid; or when there is no such committee or relative of sufficient ability, it shall be the duty of the overseers of the poor of the city or town where any lunatic or mad person shall be found, to apply to any two justices of the peace of the same city or town, who, upon being satisfied, upon examination, that it would be dangerous to permit such lunatic to go at large, shall issue their warrant directed to the constables and overseers of the poor of such city or town, commanding them to cause such lunatic or mad person to be apprehended, and to be safely locked up and confined in such secure place as may be provided by the overseers of the poor, to whom the same shall be directed, within the town or city of which such overseers may be officers, or within the county in which such city or town may be situated, or in the county poor-house in those counties where such houses are established, or in such private or public asylum as may be approved by any standing order or resolution of the supervisors of the county in which such city or town may be situated, or in the lunatic asylum in the city of New York. § 4, title 3, ch. 20, part 1, R. S. (1 R. S. 634), as amended by ch. 218, 1838.

Duty of overseers.

§ 1661. It shall be the duty of the overseers of the poor to whom such warrant shall be directed, to procure a suitable place for the confinement of such lunatic as therein directed, pursuant to the preceding section. § 5, same title.

See ante, § 1657.

How and when lunatics may be confined in jail.

§ 1662. No person who, by reason of lunacy or otherwise, is furiously mad, or so far disordered in his mind as to be dangerous if permitted to go at large, shall be committed as a disorderly person to any prison, jail, house of correction, or confined therein, unless an agreement shall have been made for that purpose with the keepers thereof; or in any other way than is herein directed § 6, same title.

In what manner and for what time to be confined.

§ 1663. No such lunatic or mad person, or person disordered in his senses, shall be confined in the same room with any person charged with or convicted of any crime: nor shall such person be confined in any jail more than ten days,^a and if he continue furiously mad or dangerous, he shall be sent to the asylum in New York, or to the county poor-house or almshouse, or other place provided for the reception of lunatics, by the county superintendents. § 7, same title (1 R. S. 635), as modified by § 20, ch. 135, 1842.

Powers of two justices in se-

§ 1664. Any two justices of the peace of the city or town where any such lunatic or mad person shall be

^a "Four weeks" occurring in original section omitted, and "ten days" substituted in place thereof.

found, may, without the application of any overseers of the poor, and upon their own view, or upon the information or oath of others, whenever they deem it necessary, issue their warrant for the apprehension and confinement of such lunatic or mad person as aforesaid. § 8, same title.

curing lunatics.

§ 1665. The county superintendent of the poor of any county, and any overseers of the poor of any town, to which any person shall be chargeable, who shall be or become a lunatic, may send such person to the lunatic asylum in the city of New York, by an order under their hands. § 9, same title.

Lunatics may be sent to N. Y. asylum.

See ante, § 1657.

§ 1666. The expense of sending any lunatic to the asylum at New York, and of supporting him there, shall be defrayed by the county or town to which he may be chargeable; if chargeable to a county or to any town whose poor moneys are required to be paid into the county treasury, such expense shall be paid by the county treasurer, out of the funds appropriated to the support of the poor belonging to such county or town, after being allowed and certified by the county superintendents. If such lunatic be chargeable to a town whose poor moneys are not required to be paid into the county treasury, such expense shall be paid by the overseers of the poor thereof. § 10, title 3, ch. 20, part 1, R. S. (1 R. S. 635.)

Expense thereof, and of lunatic's support. See ante, § 1657, and post, §§ 1661-1664.

§ 1667. Any overseer of the poor, constable, keeper of a jail, or other person, who shall confine any such lunatic or mad person, in any other manner or in any other place than such as are herein prescribed, shall be deemed guilty of a misdemeanor; and on conviction shall be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both, in the discretion of the court before which the conviction shall be had. § 11, same title.

Penalty for confining lunatics, &c.

§ 1668. None of the foregoing provisions shall be deemed to restrain or abridge the power and authority of the chancellor [supreme court], concerning the safekeeping of any lunatics, or the charge of their persons or estates. § 12, same title.

Power of supreme court not to be affected.

§ 1669. The overseers of the poor of any city or town shall have the same remedies to compel the committee of the estate of any lunatic to confine and maintain such lunatic or mad person, and to collect of such committee the cost and charges of his confinement and support, as are given in the preceding sections against the relatives of such lunatic. And the court of sessions of the city or county shall make orders against such committee personally, and enforce them in the same manner as against the relatives of any poor person, so long as such committee hath any property in his hands for the support of such lunatic. § 13, same title.

Committee of a lunatic how compelled to confine him, &c.

Powers of
county
superin-
tendents.

§ 1670. The county superintendents of the poor shall have all the powers and authority herein given to overseers of the poor of any town. § 14, same title (1 R. S. 636.)

ARTICLE FOUR.

STATE LUNATIC ASYLUM AT UTICA.

- SECTION 1671. Board of managers of such asylum, and government of asylum vested in such board.
1672. Powers and duties of such board.
1673. Superintendent, steward, assistant physician and matron to be appointed by managers, and to be denominated resident officers of such asylum; superintendent to be a well-educated physician and to give bond.
1674. Second assistant physician, how may be appointed; his salary.
1675. Third assistant physician, how may be appointed; his salary.
1676. Salaries and allowances of the treasurer and resident officers of the asylum, how and by whom to be fixed.
1677. How and by whom such salaries to be paid.
1678. Grants, devises and bequests to the managers in trust, &c., authorized.
1679. Oath of office, resident officers and treasurer to take such oath to be filed.
1680. By-laws and rules and regulations for the asylum may be established by managers.
1681. Superintendent of asylum, his powers and duties.
1682. Jury duty, highway labor and military duty, certain officers of asylum exempt from.
1683. Record of proceedings, managers to keep.
1684. Inspection and visitation of asylum, duties of managers in respect thereto.
1685. Resident officers; their duties in respect to such inspection and visitation.
1686. Treasurer of asylum to have custody of moneys and choses in action, &c., of asylum, his duties in respect to the same.
1687. Such treasurer, how far vested with the powers of superintendents and overseers of the poor.
1688. Suits, such treasurer, when authorized to bring, and when such suits not to abate.
1689. Steward, his powers and duties.
1690. Patients when asylum ready for admission, notice to be published and also given to the superintendents and overseers of the poor.
1691. Lunatics, when to be sent to asylum; duties of superintendents and overseers in respect thereto.
1692. Appeals from order sending person to asylum authorized, and how proceedings thereto taken.

- ON 1693. Commitment of lunatics to asylum only to be approved by justices, overseers or superintendents of the poor, on the evidence of two respectable physicians, on oath, as to the fact of the alleged insanity.
1694. Lunatics confined in jail, when may be sent to such asylum.
1695. Register of all persons admitted to such asylum to be kept by superintendent, and what to be by him entered therein.
1696. Insane patients, number in asylum allowed to each county. Such patients how and by whom to be designated.
- 1697, 1698, 1699. Indigent insane persons who are not paupers how and under what circumstances may be admitted to the asylum.
1700. Support of such indigent persons at such asylum; duties of counties and supervisors in respect thereto.
1701. Term of admission (except in special cases) not to be less than six months.
1702. Admission, when allowed in cases of vacancies in the asylum.
1703. Paupers sent to asylum, and duties of town and county officers sending them.
1704. Person accused of crime and escaping on ground of insanity, when may be sent to asylum; expenses of such persons, how defrayed.
- 1705, 1706. Prisoners, when may be sent to such asylum, and how and by whom.
1707. Misdemeanors, persons charged with, when may be sent to asylum.
1708. Price of keeping poor or indigent persons, how to be fixed, and when may be reduced in a special case.
1709. 1710. Support, who liable for, at asylum, &c.
1711. Removal of patients from asylum to poor-house, how to be paid for.
1712. Expenses incurred by town or county for support of lunatic at asylum, and the rights and remedies of such town or county in respect thereto.
1713. Supreme court, authority not abridged by chapter 135 of 1842.
1714. Discharge of patients, when may be authorized by managers, &c.
1715. Discharge of patients of the criminal class.
1716. Clothing to be furnished discharged patients, &c., how and when.
1717. Assessors of towns and wards to make inquiry yearly in respect to the insane, report the facts to the county court, and duties of such clerk thereupon.
1718. Definitions and meaning of certain terms under chapter 135, 1842.
1719. Compensation, managers to receive no, except for actual disbursements.
1720. Purchases for the use of the asylum, how made and provided for.
1721. Deficiencies in funds for carrying on asylum, how may be supplied.
1722. Certain powers conferred on the managers of.

SECTION 1723. Effect, when chapter 185, 1842, to take.

1724. Special pathologist of said asylum, managers authorized to appoint, his salary.

1725, 1726. Water for use of asylum.

1727. Kings county indigent insane persons, how only to be admitted into asylum.

1728. County judge of each county authorized to send indigent lunatics to said asylum or the poor-house.

1729. Insane female convicts not to be sent to asylum.

1730. Removal of such female convicts as are there.

1731. County asylums and poor-houses, how only persons to be discharged therefrom.

1732. Removals of lunatics to asylum and of juvenile delinquents to houses of refuge; compensation therefor to be fixed by board of supervisors. Repeal of inconsistent provisions of § 17, ch. 2, title 8, part 4, R. S.

Managers.
of asylum

First class.

Second
class.

Third
class

Board to
have gen-
eral con-
trol of
property.

To appoint
a superin-
tendent,
&c.

§ 1671. Nicholas Devereaux, Jacob Sutherland, Charles A. Mann, Alfred Munson, Charles B. Coventry, Abraham V. Williams, Thomas H. Hubbard, T. Romeyn Beck, and David Buel, are hereby appointed managers of the State Lunatic Asylum; and shall hold their offices as follows: The said Nicholas Devereaux, Jacob Sutherland and Charles Mann shall hold their office for one year; the said Alfred Munson, Charles B. Coventry and Abraham V. Williams shall hold their offices for two years; and the said Thomas H. Hubbard, T. Romeyn Beck and David Buel shall hold their offices for three years; and they shall hold their offices until others are appointed in their stead, subject to being removed at any time by the senate, upon the recommendation of the governor. Their successors shall be appointed by the senate upon the nomination of the governor, and shall hold their offices for three years and until others are appointed in their stead, and subject to be removed in the manner aforesaid. The government of the State Lunatic Asylum shall be vested in the board of managers, and a majority thereof shall reside within five miles of said asylum. § 1, ch. 135,* 1842.

§ 1672. Said board shall have the general direction and control of all the property and concerns of the institution not otherwise provided for by law, and shall take charge of its general interests, and see that its great design be carried into effect, and every thing done faithfully according to the requirements of the legislature, and the by-laws, rules and regulations of the asylum. § 2, same ch.

§ 1673. The managers shall appoint a superintendent, who shall be a well-educated physician, and a treasurer, who shall give bonds for the faithful performance of his

* An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane. Passed April 7, 1842.

trust, in such sum and with such sureties as the comptroller of the state shall approve. They shall also appoint, upon the nomination of the superintendent, a steward, an assistant physician and a matron, all of whom, and the superintendent himself, shall constantly reside in the asylum, and shall be designated the resident officers thereof. § 3, same ch., as amended by § 8, ch. 337, 1844.

Resident officers.

§ 1674. The managers of said asylum shall have the power, on the nomination of the superintendent of said asylum, to appoint a second assistant physician to said asylum, whose salary shall be fixed and paid in the same manner now provided by law in relation to the other resident officers of said asylum. § 4, ch. 98, 1846.

Second assistant physician may be appointed. His salary.

§ 1675. The managers of the State Lunatic Asylum are authorized in their discretion to appoint, on the nomination of the superintendent of said asylum, a third assistant physician, whose salary shall be fixed and paid in the same manner as those of the other resident officers of said asylum. § 1, ch. 282, 1850.

Third assistant physician.

§ 1676. The managers shall, from time to time, determine the annual salaries and allowances of the treasurer and resident officers of the asylum, who have been or may hereafter be appointed, subject to the approval of the governor, secretary of state, and the comptroller, provided that such salaries shall not exceed in the aggregate ten thousand dollars for one year. § 4, ch. 135, 1842, as amended by ch. 450, 1860, and by ch. 595, 1867.

Managers to fix salaries of treasurer, etc.

§ 1677. The salaries of the treasurer and resident officers of the asylum shall be paid quarterly, on the first days of January, April, July and October in each year, by the treasurer of the state, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, to the treasurer of the asylum, on his presenting a bill of particulars signed by the steward and certified by the superintendent. § 5, ch. 135, 1842.

To be paid quarterly.

§ 1678. The managers may take and hold in trust for the state any grant or devise of land, or any donation or bequest of money or other personal property, to be applied to the maintenance of insane persons and the general use of the State Lunatic Asylum. § 6, same ch.

Grants, devises, &c., may be held in trust.

§ 1679. The treasurer and resident officers of the asylum, before entering upon their respective duties, shall severally take the oath prescribed in the first section of the sixth article of the constitution of the state; and such oath shall be filed with the clerk of the county of Oneida. § 7, same ch.

Oath of office.

§ 1680. The managers are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants and assistants, for fixing the conditions of admission, support and discharge of patients, and

Managers may establish by-laws.

for conducting in a proper manner the business of the institution; also, to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the asylum. § 8, same ch.

Powers
and duties
of superin-
tendent.

§ 1681. The superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock; and the direction and control of all persons therein, subject to the laws and regulations established by the managers. He shall daily ascertain the condition of all the patients and prescribe their treatment in the manner directed in the by-laws. He shall have the nomination of his co-resident officers, with power to assign them their respective duties, subject to the by-laws; also to appoint, with the managers' approval, such and so many other officers, assistants and attendants as he may think proper and necessary for the economical and efficient performance of the business of the asylum, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation, and to discharge any of them at his sole direction; but in every case of discharge he shall forthwith record the same, with the reasons, under an appropriate head in one of the books of the asylum. He shall also have power to suspend, until the next monthly meeting of the managers, for good and sufficient cause, a resident officer; but in such case he shall forthwith give written notice of the fact, with its causes and circumstances, to one of the managers, whose duty thereupon shall be to call a special meeting of the board to provide for the exigency. He shall also from time to time give such orders and instructions as he may judge best calculated to insure good conduct, fidelity and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum. He shall further cause full and fair accounts and records of all his doings and of the entire business and operations of the institution to be kept regularly from day to day, in books provided for that purpose, in the manner and to the extent prescribed in the by-laws; and he shall see that all such accounts and records are fully made up to the last day of November in each year, and that the principal facts and results, with his report thereon, be presented to the managers within thirty days thereafter. The assistant physician shall perform the duties and be subject to the responsibilities of the superintendent in his sickness or absence. § 9, ch. 135, 1842.

Assistant
physician.

§ 1682. The resident officers of the State Lunatic Asylum, and all attendants and assistants actually employed therein during the time of such employment, shall be exempt from serving on juries, from all assessments for labor on the highways, and in time of peace, from all service in the militia; and the certificate of the superintendent shall be evidence of the fact of such employment § 10, same ch.

Privileges
of officers.

§ 1683. The managers shall keep in a bound book to be provided for that purpose, a fair and full record of all the doings, which shall be open at all times to the inspection of the governor of the state, and of all persons whom he or either house of the legislature may appoint to examine the same. § 11, same ch.

Managers
to keep re-
cord of
their
doings.

§ 1684. The managers shall maintain an effective inspection of the asylum; for which purpose one of them shall visit it every week, two once every month, a majority once every quarter, and the whole board once a year, at the times and in the manner prescribed in the by-laws. In a book kept by the managers for this purpose, the visiting manager or managers shall note the date of each visit, the condition of the house, patients, &c., with remarks of commendation or censure, and all the managers present shall sign the same. The general results of these inspections, with suitable hints, shall be inserted in the annual report, detailing the past year's operations and actual state of the asylum, which the managers shall make to the legislature in the month of January in each year, accompanied with the annual reports of the superintendent and treasurer. § 12, ch. 135, 1842.

Inspection
and visita-
tion of
asylum.

§ 1685. It shall be the duty of the resident officers to admit any of the managers into every part of the asylum, and to exhibit to him or them, on demand, all the books, papers, accounts and writings belonging to the institution, or pertaining to its business, management, discipline, or government; also to furnish copies, abstracts and reports whenever required by the managers. § 13, same ch.

Officers to
admit
managers
into every
part of
asylum.

§ 1686. The treasurer shall have the custody of all moneys, bonds, notes, mortgages and other securities and obligations belonging to the asylum. He shall open with one of the banks in Utica, to be selected with the approbation of the comptroller of the state, an account in his own name, as treasurer of the asylum; and he shall deposit all moneys, immediately upon receiving them, in said bank, and shall draw for the same only for the uses of the asylum and in the manner prescribed in the by-laws, upon the written order of the steward, specifying the object of the payment. He shall keep full and accurate accounts of receipts and payments in the manner directed in the by-laws, and such other accounts as the

Treasurer
to have the
custody of
money,
&c., and to
keep ac-
counts.

managers shall prescribe. He shall balance all the accounts on his books annually, on the last day of November, and make a statement of the balances thereon, and an abstract of the receipts and payments of the past year; which he shall within three days deliver to the auditing committee of the managers, who shall compare the same with his books and vouchers, and verify the results by a further comparison with the books of the steward, and certify the correctness thereof, within the next five days, to the managers. He shall further render a quarterly statement of his receipts and payments on the first days of March, June and September in each year to the auditing committee, who shall compare and verify the same as aforesaid, and report the results, duly certified, to the managers, who shall cause the same to be recorded in one of the books of the asylum. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the managers. § 14, ch. 135, 1842.

Treasurer to have the same power as superintendents and overseers of the poor, in certain cases.

§ 1687. The treasurer of the State Lunatic Asylum shall be vested with the same powers, rights and authority which are now by law given either to superintendents of the poor or to overseers of the poor in any county or town of the state, so far as may be necessary for the purpose of compelling a relative or committee to defray the expenses of a lunatic's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also for the purpose of coercing the payment of similar charges when due according to said by-laws, from any town, or city, or county that is liable for the support of any lunatic in said asylum. § 15, same ch.

Authorized to recover all sums due to asylum.

§ 1688. Said treasurer is also authorized to recover for the use of the asylum any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also any and all sums which may be charged and due according to the by-laws of the asylum for the support of any patient therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name as treasurer of the State Lunatic Asylum, and which shall not abate by his death or removal, against the individual town, city or county legally liable for the maintenance of said patient and having neglected to pay the same when demanded by the treasurer; in which action the declaration may be in a general indebitatus assumpsit; and judgment shall be rendered for such sum as shall be found due, with interest from the time of the demand made as aforesaid. Said treasurer may also,

Suits not to abate.

upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute a release and acknowledge full satisfaction thereof, so that the same may be discharged of record. § 16, same ch.

§ 1689. The steward, under the direction of the superintendent, shall make all purchases for the asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer; he shall also, under like direction, make contracts in the superintendent's name with the attendants and assistants, and keep and settle their accounts; he shall also keep the accounts for the support of patients and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due; he shall make quarterly abstracts of all his accounts to the last day of every February, May, August and November, for the treasurer and managers; he shall also be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the asylum; and shall annually, during the third week in November, make out and file with the managers a true and perfect inventory, verified by oath, of all the personal property belonging to the asylum in and about the premises, with an appraisal thereof made under oath by himself and some discreet householder of the city of Utica whom the managers shall appoint for that purpose. § 17, ch. 135, 1842.

Powers
and duty
of the
steward.

Appraisal.

§ 1690. As soon as the asylum shall be ready for the admission of patients, the managers shall cause notice thereof to be published for two weeks in the state paper and sent to the clerk of every county, who shall transmit copies thereof to the superintendents of the poor of said county by mail. A circular from the superintendent shall accompany said notice to each county clerk and to the superintendents of the poor, designating different days for the counties severally to send to the asylum their respective quotas of patients, and giving all necessary directions respecting admission and support according to the by-laws. § 18, same ch.^a

Notice to
be given
when asy-
lum is
ready for
admission
of pati-
ents.

Id. to su-
perintend-
ents and
overseers
of the
poor.

§ 1691. In every case of lunacy hereafter occurring and provided for by title three, chapter twenty, part first of the Revised Statutes (§§ 1657-1670), the lunatic shall be sent within ten days to the State Lunatic Asylum, or "to such public or private asylum as may be approved by a standing order or resolution of the supervisors of the county;" and the provisions of said title three, allowing other places of confinement beyond ten days, are hereby repealed. The superintendents and overseers of the poor

Lunatics,
when to be
sent to
asylum in
cases here-
after
occurring.
Repeal.

§ Barb. 373.

Duties of
superin-

^a By section 2, ch. 224, 1842, section 19 of ch. 135 of 1842, is repealed.

tendants
and over-
seers.

Appeal
may be
made from
order of
justice or
overseer.
5 Barb. 273.

Confine-
ment not
to be or-
dered or
approved
of until
insanity is
proved.

31 Barb.
473.

Duty of
county
clerk.

Provision
as to luna-
tics con-
fined in a
jail.

named in the several sections of said title three are severally enjoined to see that this provision be carried into effect in the most humane and speedy manner, as well in case the lunatic or his relatives are of sufficient ability to defray the expenses as in case of a pauper. § 20, same ch.

§ 1692. If any lunatic confined under the statute, title three (§§ 1657-1670), last aforesaid, or any friend in his behalf be dissatisfied with any final decision or order of the justices, or of any overseer or superintendent of the poor under such statute, he may, within three days after such order or decision, appeal to the county judge of the county making complaint on oath, and such judge shall thereupon stay his being sent out of the county, and forthwith call a jury to decide upon the fact of lunacy; after a full and fair investigation, aided by the testimony of two respectable physicians, if such jury find him sane the judge shall forthwith discharge him, otherwise he shall confirm the order for his being immediately sent to an asylum. In case the justices refuse to make an order for confinement they shall state their reasons for such refusal in writing, so that any person aggrieved thereby may appeal as above to a county judge, who shall hear and determine the matter in a summary way, or call a jury, as he may think most fit and proper. In every case of appeal the judge shall have the same power to take testimony and compel the attendance of witnesses and jurors as a justice has in civil cases. § 21, ch. 135, 1842.

§ 1693. In every case of "confinement" under the statute, title three, last aforesaid (§§ 1657-1670), whether of a pauper or not, after the passage of this act, neither justices, superintendents nor overseers of the poor shall order or "approve" of such confinement without having the evidence of two reputable physicians under oath, as to the alleged fact of insanity; and such testimony shall be reduced to writing and filed, with a brief report of all the other proofs, facts and proceedings in the case, in the office of the county clerk; and said clerk shall file said papers and register with date, the names and residence of the lunatic and officers severally, in tabular form in the book of miscellaneous records kept in said office; and the certificate of said clerk and seal of the court verifying such facts shall warrant such lunatic's admission into the asylum. § 22, same ch.

§ 1694. All lunatics, whose confinement under the said statute, title three (§§ 1657-1670), is in a jail, or has commenced since the last day of December, eighteen hundred and forty (except those whose mental derangement is, upon the testimony under oath of two respectable physicians, manifestly incurable, or whose bodily infirmities indicate the approach of speedy dissolution), and who



are not already, under special resolution of the supervisors as aforesaid, in some other approved asylum, shall be sent to the State Lunatic Asylum within such time and under such regulations as shall be prescribed by the by-laws after the asylum shall be open for the reception of patients. Superintendents of the poor, and all persons having the care of such lunatics, shall see to carrying this into effect. § 23, same ch.

§ 1695. The superintendent shall make, in a book kept for the purpose, at the time of reception, a minute, with date, of the name, residence, office and occupation of the person by whom and by whose authority each insane person is brought to the asylum, and have all the orders, warrants, requests, certificates, and other papers accompanying him, forthwith copied into the same. § 24, ch. 135, 1842.

§ 1696. Each county may at all times have one indigent insane patient in the asylum, whose disease at the time of admission was a first attack, and did not exceed six months; and such further number of either old or recent cases as the asylum can accommodate, in proportion to the insane population of the county. The patients shall be designated by the superintendents of the poor, or, if the county has no such superintendents, by the [county] judge. § 25, same ch.

§ 1697. When a person in indigent circumstances, not a pauper, becomes insane, application may be made in his behalf to the county judge of the county where he resides, and said judge shall call two respectable physicians and other credible witnesses, and fully investigate the facts of the case, and either with or without the verdict of a jury, at his discretion, as to the question of insanity, shall decide the case as to his indigence. And if the judge certifies that satisfactory proof has been adduced, showing him insane, and his estate is insufficient to support him and his family (or, if he has no family, himself), under the visitation of insanity, on his certificate, authenticated by the county clerk and seal of the county court, he shall be admitted into the asylum, and supported there, at the expense of said county, until he shall be restored to soundness of mind, if effected in two years. The judge in such case shall have requisite power to compel the attendance of witnesses and jurors, and shall file the certificate of the physicians, taken under oath, and other papers, with a report of his proceedings and decision, with the clerk of the county, and report the facts to the supervisors, whose duty it shall be, at their next annual meeting, to raise the money requisite to meet the expenses of support accordingly. § 26, same ch.

Duties of superintendents and others. Names, &c., of persons bringing lunatics to be recorded.

Number of patients allowed to each county.

Certain indigent persons not paupers to be admitted. See § 1743, post.

7 HILL, 171.

Applica-
tion to
justices in
certain
cases.

§ 1698. Whenever a county judge shall be precluded from acting as such, in proceedings under the twenty-sixth section of the act to organize the State Lunatic Asylum and more effectually to provide for the care, maintenance and recovery of the insane, passed April seventh, eighteen hundred and forty-two, by reason of relationship, by consanguinity or affinity, to any lunatic in indigent circumstances, application may be made in behalf of such lunatic to one of the justices of the session, resident of the county in which such lunatic resides, and such proceedings shall be had by and before such justices as is provided for in said section; and the said justice shall possess all the powers and exercise the same jurisdiction in all respects under said section, and the amendment thereto, passed April tenth, eighteen hundred and fifty, as such county judge would be authorized to possess and exercise were it not for such disability. And the certificate of such justice, given under the provisions of said twenty-sixth section and the provisions of this act, shall for all purposes be as effectual and binding as if made by the county judge. § 1, ch. 650,* 1857.

Indigent
persons,
when to be
admitted
and pro-
ceedings
thereon.

§ 1699. No person in indigent circumstances, not a pauper, shall be admitted into the asylum on the certificate of the county judge, made under and pursuant to the provisions of the twenty-sixth section of the act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane, passed April seventh, eighteen hundred and forty-two, unless such person has become insane within one year next prior to the granting of such certificate by the county judge; and it shall be the duty of said judge, when an application is made to him pursuant to said twenty-sixth section of said act, to cause such reasonable notice thereof, and of the time and place of hearing the same, to be given to one of the superintendents of the poor of the county, chargeable with the expense of supporting such person in the asylum if admitted; or if such expense is chargeable to a town or city, then to an overseer of the poor of such town or city, as he may judge reasonable under the circumstances, and he shall then proceed to inquire as to the time when such person became insane; and shall, in addition to the requirements of said twenty-sixth section, state in his certificate that satisfactory proof has been adduced before him that such person became insane within a year next prior to the date of his certificate. On granting such certificate, the judge may, in his discretion, require the friends of the patient to give

* An act entitled "An act to amend the acts in relation to the State Lunatic Asylum, and to confer certain powers upon justices of the sessions," passed April 16, 1857.

security to the superintendent of the poor of the county to remove the patient from the asylum at the end of two years, in case he does not sooner recover. When a patient who is admitted into the asylum on the certificate of a county judge, given pursuant to the twenty-sixth section of the aforesaid act, has remained in the asylum two years and has not recovered, the superintendent of the asylum shall send notice by mail to the overseer of the poor of the town where the patient resided at the time of his admission into the asylum, or to the county judge of the county from which he was sent, that such patient has remained two years in the asylum and has not recovered, and that he should be removed from the asylum, and that in case he is not removed the expense of his support will be chargeable to the county until he is so removed, and then such expense shall be chargeable to the county accordingly; but in every case where a patient, admitted into the asylum pursuant to the provisions of the twenty-sixth section of said act, shall have remained there two years and has not recovered, the managers of the asylum may, in their discretion, cause such patient to be returned to the county from which he came, and charge the expense of such removal to the county. § 2, ch. 282, 1850.

Return of patient to the county.

§ 1700. When an insane person in indigent circumstances shall have been sent to the asylum by his friends, who have paid his bills therein for six months, if the superintendent shall certify that he is a fit patient and likely to be benefited by remaining in the institution, the supervisors of the county of his residence are authorized and required, upon an application, under oath in his behalf, to raise a sum of money sufficient to defray the expenses of his remaining there another year, and pay the same to the treasurer of the asylum. And they shall repeat the same for two succeeding years, upon like application, and the production of a new certificate each year, of like import from the superintendent. § 27, ch. 135, 1842.

Counties to support such persons after six months.

§ 1701. No patient shall be admitted into the asylum for a shorter period than six months, except in special cases, as specified in the by-laws. § 28, same ch.

Term of admission.

§ 1702. Whenever there are vacancies in the asylum, the managers may authorize the superintendent to admit, under special agreements, such recent cases as may seek admission under peculiarly afflictive circumstances, or which, in his opinion, promise speedy recovery. § 29, same ch.

Vacancies.

§ 1703. All town and county officers sending a patient to the asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably

Bodily cleanliness and clothing of patients.

clothed and provided with suitable changes of raiment, as prescribed in the by-laws. § 30, same ch.

Provisions
as to per-
sons ac-
quitted
after trial,
on the
ground of
insanity.

§ 1704. When a person shall have escaped indictment, or shall have been acquitted of a criminal charge upon trial, on the ground of insanity,* the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody and to be sent to the asylum. If such person be sent to the asylum, the county from which he is sent shall defray all his expenses while there and of sending him back if returned; but the county may recover the amount so paid from his own estate, if he have any, or from any relative, town, city or county that would have been bound to provide for and maintain him elsewhere. § 31, ch. 135, 1842.

As to per-
sons in
confinement
or under sen-
tence of
imprison-
ment, &c.
5 Barb. 276.

§ 1705. If any person in confinement, under indictment or under sentence of imprisonment,* or under a criminal charge, or for want of bail for good behavior, or for keeping the peace, or for appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the county judge of the county where he is confined shall institute a careful investigation, call two respectable physicians and other credible witnesses, invite the district attorney to aid in the examination, and if he deem it necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it be satisfactorily proved that he is insane, said judge may discharge him from imprisonment and order his safe custody and removal to the asylum, where he shall remain until restored to his right mind; and then, if the said judge shall have so directed, the superintendent shall inform the said judge and the county clerk and district attorney thereof, so that the person so confined may, within sixty days thereafter, be remanded to prison and criminal proceedings be resumed, or otherwise discharged; or, if the period of his imprisonment shall have expired, he shall be discharged. The provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the asylum, shall be equally applicable to similar expenses arising under this section and the one next following.

As to per-
sons im-
prisoned
on attach-
ment, &c.
4 N. Y. 300.

§ 32, same ch., as modified by § 29, ch. 280, 1847.
§ 1706. If a person imprisoned on attachment, or any civil process, or for the non-payment of a militia fine, becomes insane, one of the judges mentioned in the last preceding section of this act shall institute like proceed-

* For provisions of law applicable, when a person accused of the crime of arson or murder, or attempt at murder, shall have escaped indictment, or shall have been acquitted upon the ground of insanity, see chapter 26 of 1863, *post*, §§ 1800-1801.

ings in his case as are required in the case provided for in said section; but notice shall in such case be given by mail or otherwise, to the plaintiff or his attorney, if in the state; and if it shall be proved to the satisfaction of said judge that the prisoner is insane, he may discharge him from imprisonment and order him into safe custody and to be sent to the asylum; nevertheless, the creditor may renew his process and arrest again his debtor when of sound mind. § 33, same ch.

§ 1707. Persons charged with misdemeanors and acquitted on the ground of insanity may be kept in custody and sent to the asylum, in the same way as persons charged with crime. § 34, ch. 135, 1842.

Persons charged with misdemeanors and acquitted.

§ 1708. The price to be paid for keeping the poor, or any person in indigent circumstances, in the asylum, until the first day of April, eighteen hundred and forty-three, shall be two dollars and fifty cents per week; thereafter it shall be annually fixed by the managers, and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries. But the managers may reduce the price, if they think proper, in behalf of one indigent patient from each county, if admitted within six months of the first attack of the disease, for one year unless sooner cured. The managers may, at their discretion, require payments after the first of December next, to be made quarterly or semi-annually, in advance. § 35, same ch.

Price for keeping the poor and indigent.

§ 1709. Every insane person supported in the asylum shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf. And the committee, relative, town, city or county, that would have been bound by law to provide for and support him if he had not been sent to the asylum, shall be liable to pay the expenses of his clothing and maintenance in the asylum, and actual necessary expenses to and from the same. § 36, same ch.

Liability of persons supported. 7 How. 1

§ 1710. The expenses of clothing and maintaining in the asylum a patient who has been received upon the order of any court or officer shall be paid by the county from which he was sent to the asylum. The treasurer of said county is authorized and directed to pay to the treasurer of the asylum the bills for such clothing and maintenance as they shall become due and payable according to the by-laws of the asylum, upon the order of the steward; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, city, or county, that is legally liable for the support of such patient, to re-

Certain patients to be supported by counties

7 How. 1

§ 1715. A patient of the criminal class may be discharged by order of one of the justices of the supreme court, or a circuit judge, if, upon due investigation, it shall appear safe, legal and right to make such order. § 42, ch. 135, 1842.

Patients of the criminal class.

§ 1716. No patient shall be discharged without suitable clothing; and, if it cannot be otherwise obtained, the steward shall, upon the order of two managers, furnish it, also money, not exceeding twenty dollars, to defray his necessary expenses until he reaches his friends, or can find a chance to earn his subsistence. § 43, ch. 135, 1842.

Patients discharged to be suitably clothed.

§ 1717. It shall be the duty of the assessors in each town and ward in this state, every year, to make diligent inquiry and ascertain with accuracy the number and names of all insane persons in said town or ward, and to make a list of the same with the best account they can get, in each case of the patient's age, general health, habits and occupation, kind, degree and duration of insanity, and pecuniary ability of self and relatives liable for his support. They shall send this list, with all the facts brought down to the latest period, to the clerk of the county by the first day of August; who shall carefully condense the facts exhibited and mail the same to the treasurer of the asylum at Utica without delay. No county clerk shall receive any compensation for any services performed under this act.* § 44, same ch.

Assessors to ascertain the number of insane persons yearly.

Duties of county clerk.

§ 1718. The terms "lunacy," "lunatic" and "insane," as used in this act, include every species of insanity, and extend to every deranged person, and to all of unsound mind, other than idiots; the word "oath" includes "af-

Meaning of terms used in this act.

*Section 45 contained an appropriation merely. Chapter 418 of 1864 is temporary in its nature and is as follows, to wit:

The secretary of the New York State Medical Society is hereby authorized to arrange a series of questions or instructions, such as will, in his opinion, be most likely to elicit the greatest amount of information relating to the condition and treatment of insane persons who are inmates of the poor-houses, almshouses, insane asylums, and other institutions where such persons are kept, and procure the said questions or instructions to be printed, and, on or before the first day of June next, transmit to each county judge in every county in the state five copies of the same. § 1, ch. 418, 1864.

It shall be the duty of the county judge in the several counties in this state, on reception of the said series of questions or instructions, to appoint some competent physician, who shall be a resident of the county where such poor-house, almshouse and insane asylum are located, and deliver to him the said questions or instructions, and it shall be the duty of the said physician so appointed to visit all the poor-houses, almshouses, insane asylums and other institutions where insane persons are kept in said counties, where such appointments are made, except such institutions as are now required by law to report to the legislature of this state, and examine into the condition and treatment of such insane persons as are inmates of the same, and, on or before the first day of September next, report thereon to the said secretary, in accordance with the questions or instructions furnished by him; and said physicians shall have power, and are hereby authorized, to visit freely and unobstructedly the said places before mentioned wherein insane persons are kept. § 2, same ch.

It shall be the duty of all persons in charge of any poor-house, almshouse, insane asylum, or other institution where insane persons are kept, to afford the physician so appointed every facility in making said examination, and a refusal or neglect to do so shall be considered a misdemeanor. § 3, same ch.

The said secretary shall, on the reception of the said reports, arrange and condense the information contained therein, and report the same to the next legislature, and shall receive as compensation the sum of three hundred dollars. § 4, same ch.

firmation;" the words "justice" and "justices" mean "justice of the peace," "justices of the peace;" the word "overseer" means "overseer of the poor," and "county superintendent" means "superintendent of the poor;" the word "asylum" and "institution" means "State Lunatic Asylum;" a word denoting the singular number is to include one or many; and every word importing the masculine gender only may extend to and include females. § 46, same ch.

Expenses of managers to be paid.

§ 1719. The managers of the State Lunatic Asylum shall receive no compensation for their services, but shall receive their actual and reasonable traveling and other expenses, to be paid on the warrant of the comptroller on the rendering of their accounts. § 47, ch. 135, 1842.

All purchases to be made for cash.

§ 1720. All purchases for the use of the asylum shall be made for cash, and not on credit or time; every voucher shall be taken, duly filled up at the time it is taken; with every abstract of vouchers for money paid shall be proof on oath that the voucher was filled up and the money paid therefor at the time the voucher was taken; and the managers shall make all needful rules and regulations to enforce the provisions of this section. § 48, same ch.

In case of deficiency of funds, money may be advanced.

§ 1721. If the managers shall find that the funds at their command will prove insufficient to carry on the asylum, they may apply to the governor, secretary of state, comptroller and attorney-general, specifying the purchases to be made, and if the governor, secretary of state, comptroller and attorney-general shall be of opinion that the purchases are necessary, they may make an order that a sum not exceeding five thousand dollars in any one year be advanced to the managers by the comptroller out of any money in the treasury not otherwise appropriated. § 49, same ch.

Powers under act of 1836.

§ 1722. So much of the fourth section of the act to authorize the establishment of the New York State Lunatic Asylum, passed March 30, 1836, as provides for the appointment of three commissioners, is hereby abolished; all the powers conferred upon said commissioners by said act, or any subsequent act of the legislature, are hereby conferred upon the managers appointed by this bill. § 50, same ch.

When ch. 136, 1842, to take effect.

§ 1723. This act shall take effect immediately, except its requirements for sending the insane to the asylum, which shall take effect as soon as the managers' notice of the asylum being ready as aforesaid shall have been published for two weeks in the state paper. § 51, ch. 135, 1842.

Special pathologist; his salary.

§ 1724. The managers of said asylum shall have the power, on the nomination of the superintendent of said asylum, to appoint a special pathologist to said asylum, whose salary shall be fixed and paid in the same manner as now provided by law in relation to the other officers of

asylum. § 52, ch. 135, 1842, as amended by ch. 295,*
 1725. The managers of the said asylum are author-

under the direction and subject at all times to the
 control of the acting canal commissioner having charge
 of the Chenango canal, to use the surplus water discharged
 from and or through the fifth lock on said canal, to operate
 and imp to supply said asylum with water from said canal
 from Nail creek, in case the said commissioner shall be
 of opinion that the same can be done without detriment
 to the navigation of said canal. § 5, ch. 98, 1846.

Surplus
water of
canal.

1726. The managers of the said asylum shall have
 control of the water in the levels of the Chenango canal,
 from the fifth to the tenth locks of said canal, both in-
 come, and of the water discharged from said levels and
 locks, for the purpose of supplying said asylum with water
 for use; and it shall be the duty of all officers having
 charge of said canal, and of the persons employed by them,
 to do all things necessary, and which may be required by
 the managers, for the supply of said asylum with water
 for use as aforesaid; provided always that the said man-
 agers in all their acts in reference to said levels, and locks,
 and water, shall be at all times subject to the direction
 and control of the acting commissioner having charge of
 the canal; and that nothing shall be done or permitted
 by said managers which shall obstruct or interfere with
 the navigation of said canal, or which shall not first re-
 ceive the sanction of the commissioner in charge, and all
 persons, except such as are in the employ of the state,
 and such as are engaged in the navigation of the canals,
 are hereby prohibited from preventing, obstructing or in
 any way interfering with the said levels, locks and water
 in the said canal, so as to prevent the free and full use thereof
 by the said asylum, and from doing any thing to injure
 the quality of said water for said use; and any person
 who shall in any way willfully violate this prohibition
 shall be guilty of a misdemeanor. §§ 6 and 7, ch. 457,
 1864, as amended by ch. 564, 1867.

Managers
to have
control of
water
from fifth
to tenth
locks.

Objects of
privilege,
&c.

Conditions
of its pos-
session.

Penalty
for ob-
struction
&c.

1727. The county judge of each of the counties of
 this state is hereby authorized to send all such indigent
 persons belonging to each county as may be brought
 before him, either to the county poor-house or to the
 State Lunatic Asylum as in his judgment may be for the
 interests of all concerned. Ch. 446, 1851.

Insane
persons,
when ad-
mitted
into state
asylum.

1728. Hereafter no insane person or lunatic being in
 indigent circumstances, and whose maintenance or support
 shall be chargeable, or like to become chargeable, to the

Insane
persons, as
to Kings
county.

* An act to amend an act entitled "An act to organize the State Lunatic
 Asylum, and more effectually to provide for the care, maintenance and re-
 lief of the insane," passed April seventeenth, eighteen hundred and
 two. Passed April 20, 1870; three-fifths being present.

county of Kings, shall be admitted into the State Lunatic Asylum upon the order of any court, justice, judge or supreme court commissioner, or upon the authenticated certificate of the first judge of the said county of Kings, unless such order or certificate shall be accompanied by the written designation or approbation of the superintendents of the poor of the said county; any thing contained in any laws of this state to the contrary thereof notwithstanding. Ch. 357, 1845.

§ 1729. No insane female convict shall hereafter be sent to the State Lunatic Asylum at Utica. § 1, ch. 353,* 1865.

§ 1730. The insane female convicts confined in the asylum at Utica shall, within three months after the passage of this act, be removed to the female prison at Sing Sing, or to the state prison at Clinton, by the state prison inspectors in their discretion, and be provided for in the said prison. § 2, same ch.

§ 1731. No insane person confined in any county poor-house or county asylum shall be discharged therefrom by any keeper of such establishment, by any superintendent of the poor, or by any other county authority, without an order from a county judge or judge of the supreme court, founded upon satisfactory evidence that it is "safe, legal and right" to make such discharge, as regards the individual and the public. The violation of this provision shall be deemed a misdemeanor, and be punishable by a fine not exceeding five hundred nor less than one hundred dollars, in the discretion of the court. The board of managers of the State Lunatic Asylum at Utica are hereby authorized to appoint two or more of the attendants and employees of said asylum as policemen, whose duty it shall be, under the orders of the superintendent, to arrest and return to the asylum insane persons who may escape therefrom. [This section shall not apply to the counties of New York and Kings; but no insane person shall be discharged from either of the lunatic asylums of the said counties, without the certificate in writing of the physician thereof, which certificate shall be filed and kept in said asylum, stating that such discharge is safe and proper.] § 3, ch. 353, 1865, as amended by § 1, ch. 343, 1867.

§ 1732. The boards of supervisors in the respective counties of this state are hereby empowered, and it shall be their duty, annually to fix and determine the compensation to be allowed and paid to officers for the conveyance of juvenile delinquents to the houses of refuge, and of lunatics to the insane asylums, and no other or greater

Insane female convicts not to be sent to asylum, and those now there to be returned to Sing Sing or Clinton prison.

Discharging insane persons from poor houses, &c. without order of certain judges, to be a misdemeanor.

Board of managers to appoint certain persons as policemen, &c.

Section 3, ch. 353, 1865, not applicable to Kings or New York county.

Compensation, how determined for conveyance of lunatics to asylums, and juvenile delin-

* An act to amend an act in relation to the State Lunatic Asylum. Passed April 10, 1865; three fifths being present.

ant than that so fixed and determined shall be allowed paid for such service. § 1, ch. 254, 1859. [So much as the seventeenth section of chapter two, title eight, four of the Revised Statutes (2 R. S. 753), as is inconsistent with the provisions of this act, as well as all other conflicting herewith, are hereby repealed. § 2, ch. 1859.

quents to
house of
refuge.
Conflicting
statutes
repealed.

ARTICLE FIVE.

THE WILLARD ASYLUM FOR THE INSANE.

now 1733. Governor to appoint commissioners to select and contract for a site for an asylum for chronic insane paupers.

1734. Title of property to the people, how paid for.

1735. Commissioners to devise suitable plan of construction of asylum buildings; such plan to be approved by governor; and commissioners to contract.

1736. Commissioners before entering on the duties of their office to execute bonds with sureties; how such bonds approved and how conditioned.

1737. Commissioners to have no interest in materials furnished or in any contracts.

1738. Treasurer to pay certain moneys to commissioners to be used by them in erection or modification of buildings.

1739. Commissioners to report to comptroller; what such report to contain, and how often to be made.

1740. Compensation to commissioners.

1741. Trustees of asylum; new trustees, their powers, term of office and classification; counties from which chronic insane paupers may be sent, and how apportioned for that purpose; pay of certain commissioners; commission abolished and power thereof vested in new trustees; future debts.

1742. Chronic insane paupers from poor-houses, and those discharged from state asylum; when may be sent to this asylum, and to be a county charge upon the county from whence they came.

1743. County judges and superintendents of the poor required to send certain insane paupers to State Lunatic Asylum.

1744. Appropriation to Willard Asylum.

1745. How such asylum known.

1733. The governor is hereby authorized to appoint ^{Three} commissioners² for the purpose of selecting, contracting for and purchasing a suitable site for the erection

commissioners to
be ap-
pointed by

² § 2, ch. 252, 1859, the commission appointed pursuant to chapter 242, was discontinued, and the powers and duties of said commissioners are in the trustees appointed in and by said section 2. See post, § 1741.

governor
to locate
site of asy-
lum.
Modified
see next
section.

of an asylum for the chronic insane who are paupers, and in making such selection they shall first seek for and select any property owned by the state, or upon which it has a lien, and if that may not be done, then such other property as shall be suitable for their purpose. § 1, ch. 342,* 1865.

Property
secured,
how to be
paid for.

§ 1734. When a title can be secured to the people of this state for any property mentioned in the first section hereof, the treasurer shall pay, on the warrant of the comptroller, to the grantor or grantors thereof, such sum or sums of money as may be required to pay for the same agreeably to the contract of said commissioners, if any sum is required. § 2, same ch.

Duty of
commis-
sioners
with refer-
ence to
construc-
tion of
building.

§ 1735. As soon after such site shall be obtained as shall be practicable, the said commissioners shall devise and adopt a suitable plan for the construction of the asylum buildings, if any construction is necessary, or the modification of buildings already erected and not occupied for other state purposes, with the specifications which shall be approved by the governor, after which said commissioners shall contract for the erection or modification of said asylum buildings in pursuance of said plan and specifications, and the said commissioners shall select one of their number to superintend the building or modification of said asylum. § 3, same ch.

Commis-
sioners to
give
bonds.

§ 1736. The said commissioners, before entering on the duties of their office, shall give their bonds, with two or more sufficient sureties, to be approved by the comptroller, jointly and severally, to the people of this state in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties required of them by this act, and in such form and terms as shall be prescribed by the attorney-general. § 4, same ch.

To have no
interest in
contracts.

§ 1737. The said commissioners shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contracts for labor in the erection or modification of such asylum. § 5, same ch.

Certain
moneys to
be paid to
commis-
sioners.

§ 1738. The treasurer shall pay to the said commissioners, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for the modification or building of such asylum, at such time as such money may be wanted therefor, in sums not exceeding five thousand dollars at any one time, and the expenditure thereof to be duly and fully accounted for to the comptroller, with

* An act to authorize the establishment of a State Asylum for the chronic insane, and for the better care of the insane poor, to be known as "The Willard Asylum for the Insane," passed April 8, 1865; three-fifths being present.

the vouchers, before any other sum shall be advanced.

§ 6, same ch.

§ 1739. It shall be the duty of the said commissioners to make a detailed report of all the moneys received by them by virtue of this act, and of the progress which shall have been made in the erection or modification of said buildings, and of the probable cost to complete the same, to the comptroller as often and in such manner as the comptroller shall or may from time to time require.

Commissioners to make report.

§ 7, ch. 342, 1865.

§ 1740. Each of said commissioners, excepting the one mentioned in section nine of this act (section 1741), to be appointed to select, contract for and superintend the building or modification of such asylum, shall be allowed for his services and expenses, while actually employed in the duties of his office, the sum of five dollars per day, and the expenses necessarily incurred in the performance of the duties required by virtue of this act; and the treasurer shall pay such allowances to each of the commissioners on the warrant of the comptroller, the vouchers for the same to be duly presented to the comptroller. § 8, same ch.

Compensation of commissioners.

§ 1741. Said trustees shall have all the rights and powers, and be subject to the same duties, in said asylum, as are now possessed by and imposed upon the board of managers of the State Lunatic Asylum at Utica, and shall be subject to removal at any time by the senate upon recommendation of the governor. Said trustees shall also fix the rate per week, not exceeding two dollars, for the board of patients. It shall further be the duty of said trustees, as soon as portions of said asylum are completed and ready for the reception of the insane, to designate, in a just and equitable manner, and with the approval of the governor, the counties from which the chronic pauper insane shall be sent to said asylum, as parts of the room shall be ready, from time to time, for the reception of patients. And the commissioners who shall be appointed, as provided in section three of this act, to superintend the building thereof, shall, in lieu of all other compensation therefor, till the completion of said asylum, receive a salary of one hundred and twenty-five dollars per month, in addition to the actual expenses connected therewith; the same to be paid by the treasurer upon vouchers duly presented to the comptroller. § 9, ch. 342, 1865. [The commission appointed pursuant to chapter three hundred and forty-two, laws of eighteen hundred and sixty-five, is hereby discontinued, and the powers and duties of said commissioners are vested in the trustees hereby appointed. The trustees shall consist of John E. Seeley, Genet Conger, Sterling G. Hadley, Francis O. Mason, Samuel

Number of trustees to be appointed by governor.

Their duties and powers.

Chronic pauper insane.

Part of commission abolished, and powers vested in trustees.

New trustees appointed.

their classification and terms of office.	A. Wells, George J. Magee, Darius A. Ogden, William R. Swaby. The said trustees shall be divided by lots, to be drawn by themselves, at their first meeting after the passage of this act, into four classes, the first to hold their office two years, the second four years, the third six years, and the fourth eight years. Their successors shall be appointed by the governor, by and with the consent of the senate, and the trustees hereby appointed and their successors shall have and exercise all the powers and duties conferred upon the commissioners and trustees named in said chapter three hundred and forty-two, laws of eighteen hundred and sixty-five, as the same are specified in said chapter. Part of § 2, ch. 822,* 1869, page 1943.] [The trustees of the Willard Asylum are hereby prohibited from creating, in the future, any indebtedness beyond the amounts duly appropriated by law to said asylum, and in case any indebtedness shall be created, directly or indirectly, in violation of this provision, the trustees of said asylum shall be personally liable for the same. § 2, ch. 380, 1870.]
Successors, how pointed.	
Powers of such new trustees.	
Trustees prohibited from creating debts in future. Personal liability.	
Class of insane persons to be sent to asylum.	§ 1742. The chronic pauper insane from the poor-houses of the counties that shall be designated, as provided in section nine hereof, [§ 1741,] shall be sent to the said asylum by the county superintendents of the poor, and all chronic insane pauper patients who may be discharged not recovered from the State Lunatic Asylum, and who continue a public charge, shall be sent to the asylum for the insane hereby created, and all such patients shall be a charge upon the respective counties from which they are sent. § 10, ch. 342, 1865.
Duty of county judges and superintendents of the poor.	§ 1743. The county judges and superintendents of the poor in every county of the state, except those counties having asylums for the insane, to which they are now authorized to send such insane patients by special legislative enactments, are hereby required to send all indigent or pauper insane coming under their jurisdiction, who shall have been insane less than one year, to the State Lunatic Asylum. § 11, same ch.
See ante, §§ 1691-1694.	
Appropriation; its amount.	§ 1744. Seventy-five thousand dollars is hereby appropriated ^b for the purpose of carrying into execution the provisions of this act, to be paid by the treasurer, on the warrant of the comptroller, in sums heretofore named, from any money in the treasury not otherwise appropriated. § 12, same ch.
Name.	§ 1745. The asylum hereby created shall be known as the Willard Asylum for the Insane. § 13, same ch.

* An act making appropriations for certain expense of government, and for supplying deficiencies in former appropriations. Passed May 10, 1869.

^b Since the passage of this act sundry appropriations have been made by the legislature for the purposes of the said asylum.

ARTICLE SIX.

HUDSON RIVER STATE HOSPITAL.

- SECTION 1746.** "Hudson River State Hospital" for the insane, to be established near Poughkeepsie.
1747. Governor authorized to appoint nine managers of such hospital; term of office of such managers; government of such hospital in board of such managers.
1748. Rights, powers and duties of such managers.
1749. Appointments by managers of medical superintendent and treasurer, and, upon the nomination of the medical superintendent, of "resident officers;" who to be denominated such officers.
1750. Salaries, how to be determined.
1751. Notice to be given when hospital in part or whole prepared for the reception of patients; medical superintendent's circular; removal of patients from Utica Asylum to said hospital.
1752. Hudson River State Hospital District, what to constitute, and how hospital to be designated.
1753. Inconsistent acts.
1754. Plans for hospital to be adopted by managers, who are to contract for erection of buildings in accordance of such plans, &c., provided such plans are approved by the governor, secretary of state and comptroller.
1755. Neither the managers nor other officers to have interest in the furnishing of any materials, or in any contracts for the same.
1756. How payments made, and by whom, for expenses in building such hospital and buildings.
1757. Managers to report annually to legislature and to comptroller.
1758. Appropriation for purpose of carrying into execution provisions of this act.
1759. Basis of plans and specifications for hospital.

§ 1746. There shall be established near the city of Poughkeepsie, upon the site selected by the commissioners appointed to locate the Hudson River Asylum for the Insane, an institution to be designated as the Hudson River State Hospital* [for the Insane.] § 1, ch. 1867. Location and name.

By section 5, ch. 337, 1870, it is enacted that "the hospital shall be designated the 'Hudson River State Hospital.'"
 "An act to establish and organize the Hudson River State Hospital for the Insane," passed March 16, 1867; three-fifths being present. By an act of 1868 the governor was authorized to appoint five commissioners for the purpose of selecting a suitable site on or near the Hudson river, near the city of Albany, upon which to erect the Hudson River Asylum for the Insane, and the said commissioners were empowered to receive gift or to contract for the location of said asylum, subject, however, to the approval for the (then) next legislature, to whom such commissioners were required to report their action in the premises within sixty days after the commencement of the session. The action of such commissioners in accepting a site of 200 acres near the city of Poughkeepsie,

Appoint-
ment,
number
and terms
of office
of mana-
gers.

Govern-
ment.

§ 1747. The governor is hereby authorized to appoint nine managers for the Hudson River State Hospital for the Insane, designating, at the time of such appointment, their respective terms of office, with reference to the following classification, to wit: three of said managers shall serve for four years, three for five years, and three for six years, from the time of their appointment; and they shall hold their offices until others are appointed in their stead, and shall be subject to be removed at any time by the senate, upon the recommendation of the governor. Their successors shall be appointed by the senate upon the nomination of the governor, and shall hold their offices for six years and until others are appointed in their stead, and subject to be removed in the manner aforesaid. The government of the Hudson River State Hospital for the Insane shall be vested in the said board of managers, and a majority thereof shall reside within the county of Dutchess. § 2, ch. 93, 1867.

tendered as a gift by the citizens of Dutchess county, was by chapter 8 of the Laws of 1867 approved. By chapter 19, 1867, it appears that the common council of the city of Poughkeepsie on the 7th of January, 1867, adopted resolutions authorizing the raising, upon the bonds of said city, of three-fifths of such sum as might be necessary to secure the location of a state lunatic asylum on the Roosevelt property and the Davies property, north of the city of Poughkeepsie, not to exceed the sum of fifty thousand dollars, to be given to the people of this state as a site for an asylum for the insane, and by said chapter such resolutions were duly ratified and confirmed. And said common council was hereby authorized to borrow, on the credit of said city, the sum of fifty thousand dollars, to pay three-fifths of the amount necessary to purchase the Davies and Roosevelt farms, to be given by the said city and county of Dutchess to the people of this state as the site of the Hudson River Asylum for the Insane, and to issue bonds or certificates of indebtedness for said sum, payable at such times as said council should fix and direct, and to make due provision by tax in each year for the payment of the principal and interest falling due on said bonds or certificates as the same shall become due or mature; and in and by said chapter it is provided also that such principal and interest shall be assessed, levied and raised in the same manner as any other public or general tax of said city, and in conjunction with the general taxes of said city.

The following is chapter 33 of 1867, authorizing the county of Dutchess to borrow money to pay for lands to be given to the people by the said county and the city of Poughkeepsie as a site for such asylum, viz.:

§ 1. The action of the board of supervisors of the county of Dutchess, in the adoption of the resolutions passed by said board, on the twenty-seventh day of December, eighteen hundred and sixty-six, authorizing the raising, upon the bonds of said county, of two-fifths of such sum as may be necessary to purchase the Davies and Roosevelt farms near the city of Poughkeepsie, to be given to the people of this state, as a site for an asylum for the insane, such sum not to exceed the sum of thirty-four thousand dollars, and authorizing the chairman and clerk of such board to carry said resolutions into effect, is hereby ratified and confirmed, and declared valid and as effectual as if said board had previously been authorized by law to take such action.

§ 2. The chairman and clerk of the board of supervisors are hereby authorized to borrow, upon the credit of the said county of Dutchess, a sum not exceeding the sum of thirty-two thousand dollars, to pay two-fifths of the amount necessary to purchase the said Davies and Roosevelt farms, near said city of Poughkeepsie, to be given by said city and the said county, to the people of the state of New York, as a site for the Hudson River Asylum for the Insane.

§ 3. The said chairman and clerk of the said board of supervisors are hereby authorized to issue bonds of the said county, to the amount of thirty-four thousand dollars, in the name and under the seal of said county to be signed by the chairman and clerk of said board of supervisors, in such amounts, at such rates (not exceeding the legal rates), and payable at such times as they may deem proper.

§ 4. Due provision by tax shall be made in each year, by the said board of supervisors, for the payment of the interest and principal falling due on said bonds, as the same shall become due or mature; and such interest and principal shall be assessed, levied and raised in the same manner as any other public or general tax of said county, and in conjunction with the general taxes of said county.

§ 1748. The said managers shall have the rights and powers, and be subject to the same duties, as are now possessed by and imposed upon the managers of the State Lunatic Asylum at Utica; and the Hudson River State Hospital for the Insane shall be organized and governed under the laws organizing and governing the State Asylum at Utica, except as may be herein otherwise provided. § 3, ch. 93, 1867.

Rights,
powers
and duties
of man-
agers.

§ 1749. [The said managers shall appoint, at their discretion, and upon the nomination of the medical superintendent, a steward and such assistant physicians as the necessities of the hospital may from time to time require, all of whom and the medical superintendents shall reside in the hospital or on the premises, and shall be designated the "resident officers." § 2, ch. 337,^a 1870.] [The managers shall appoint a medical superintendent, who shall be a well-educated physician of experience in the treatment of the insane, and a treasurer, who shall reside in the city of Poughkeepsie, and give bonds for the faithful performance of his trust in such sum and with such sureties as the comptroller of the state shall approve. They shall also appoint, at their discretion, and upon the nomination of the medical superintendent, a steward and a matron, and [such^b] assistant physicians, as the necessities of the hospital shall from time to time require, all of whom and the medical superintendent shall constantly reside in the hospital or on the premises, and shall be designated the "resident officers." § 4, ch. 93, 1867,] as modified by § 2, ch. 337, 1870.

Appoint-
ments to
be made of
resident
officers.

Qualifica-
tions of
superin-
tendent.

§ 1750. The managers shall, from time to time, with the approval of the governor, comptroller and secretary of state, determine the annual salaries and allowances to the treasurer and resident officers, the aggregate amount of the said salaries not to exceed the sum of twelve thousand dollars for any one year. § 3,^c ch. 337, 1870.

Salaries of
treasurer
and resi-
dent offi-
cers.

§ 1751. As soon as a portion of the hospital shall be prepared for the reception of patients, the managers shall cause notice thereof to be published in the state paper and sent to the county clerk, county judge and superintendents of the poor of each of the following counties: Clinton, Essex, Franklin, Warren, Washington, Saratoga, Albany, Rensselaer, Greene, Columbia, Ulster, Dutchess, Orange, Sullivan, Putnam, Rockland, Westchester, New York, Kings, Queens, Suffolk and Richmond. A circular from the medical superintendent shall accompany said

Notice,
how to be
given and
published
on com-
pletion of
a portion
of hospi-
tal, &c.

Medical
superin-
tendent's
circular.

^a An act appropriating moneys for the Hudson River State Hospital for the Insane, and amending act of organization. Passed April 21, 1870; three-fifths being present.

^b "From one to three" omitted in original section, and "such" substituted in the place thereof.

^c Section 3 of chapter 93, 1867, is superseded by this section.

Transfer of patients from Utica asylum.	notice to each county clerk, county judge and superintendent of the poor, designating the number and class of patients to be received; and when the hospital shall be completed, due notice shall be given as above, so that all patients who may then be in the State Lunatic Asylum at Utica, chargeable to the above-mentioned counties, shall be transferred to the Hudson River State Hospital for the Insane. § 4, ch. 337, 1870.
How hospital to be designated.	§ 1752. The counties enumerated in the last section shall constitute the Hudson River State Hospital district, and the hospital shall be designated the Hudson River State Hospital. § 5, same ch.
Inconsistent acts.	§ 1753. All acts or parts of acts conflicting with the provisions of this act are hereby repealed. § 6, same ch.
Plans that may be adopted for the construction of hospital.	§ 1754. The managers may adopt the plans for the Willard Asylum at Ovid, or the State Lunatic Asylum at Utica, or procure other plans, drawings and specifications for the construction of the hospital and other buildings, and the improvement of the grounds, and shall contract for the erection of the buildings in accordance with such plans and specifications, and on such terms as they may deem proper, provided such plans, drawings, specifications, contracts, and the terms thereof, shall be approved by the governor, secretary of state and comptroller, and further provided, that the managers shall not adopt any plans for the hospital or other buildings that will not secure the building and finishing of at least one section, suitable for the treatment of patients, with the appropriation made in this act. § 6, ch. 93, 1867.
Contracts for buildings, &c.	
Managers not to have interest in contracts	§ 1755. The managers and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contracts for labor in the erection of said hospital. § 7, same ch.
Payment by state treasurer.	§ 1756. The treasurer of the state shall pay to the managers, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for the building of said hospital, at such time as such money may be wanted therefor, in sums not exceeding ten thousand dollars at any one time; and the expenditure thereof shall be duly and fully accounted for to the comptroller, with the vouchers and full details of the items and purposes before any other sum shall be advanced. § 8, same ch.
Reports of managers to legislature and to comptroller.	§ 1757. It shall be the duty of the managers to make a detailed report of all the moneys received by them by virtue of this act, and of the progress which shall have been made in the erection of said buildings, to the legislature in January of each year, and also to the comptroller, as often and in such manner as the comptroller

BUFFALO STATE ASYLUM.

shall or may, from time to time, require. § 9, ch. 93, 1867.

§ 1758. One hundred thousand dollars are hereby appropriated^a for the purpose of carrying into execution the provisions of this act, but no expenditure shall be made, except for plans, till the final adoption of the plans and specifications for said hospital. § 10, same ch.

§ 1759. The plans and specifications for said hospital shall be upon the basis of accommodating not exceeding five hundred patients at any one time. § 11, same ch.

ARTICLE SEVEN.

THE BUFFALO STATE ASYLUM FOR THE INSANE.

SECTION 1760. Governor authorized to appoint five commissioners to select a site in eighth judicial district on which to erect an asylum for the insane.

1761. Said commissioners empowered to receive by gift, or otherwise, site for location of such asylum, subject to approval of legislature.

1762. Act of such commissioners in accepting site of two hundred acres in the city of Buffalo, tendered by the said city as a gift, approved.

1763. Buffalo State Asylum for the Insane to be established in Buffalo upon the site selected by such commissioners.

1764. Managers of such asylum, how to be appointed; their terms of office; government of such asylum vested in managers.

1765. Rights and duties of managers; how such asylum to be organized and governed.

1766. Medical superintendent; physician and treasurer to be appointed, and to give bonds; also, steward and assistant physicians may be appointed; who to be designated resident officers.

1767. Salaries of treasurer and resident officers, how to be determined.

1768. Plans and specifications to be procured by managers, and how to be approved.

1769. Neither the officers nor managers to be interested in any contract.

1770. Duty of state treasurer to pay, &c.

1771. Managers to make annual report to legislature, and when to account to comptroller, &c.

1772. Appropriation, and how same only to be used.

1773. Basis upon which plans and specifications for hospital are to be made.

^a Other appropriations by the legislature have from time to time been made.

Commiss-
sioners to
elect site
for asylum.

§ 1760. The governor is hereby authorized to appoint five commissioners to select a suitable site in western New York, in the eighth judicial district, on which to erect an asylum for the insane. § 1, ch. 414, 1869.

May re-
ceive site
by gift, or
contract
for pur-
chase.
Legisla-
ture to
approve
same.

§ 1761. The said commissioners shall have power to receive by gift, or to contract for the purchase of, such site for the location of said asylum, subject, however, to the approval of the next legislature, to whom they shall report their action in the premises within ten days after the commencement of the session. § 2, same ch.

Action of
commis-
sioners ap-
proved.

§ 1762. The action of the commissioners appointed to locate an asylum for the insane in western New York, in the eighth judicial district, pursuant to chapter four hundred and fourteen of the laws of eighteen hundred and sixty-nine, in accepting a site of two hundred acres in the city of Buffalo, tendered as a gift by the city of Buffalo, is hereby approved. § 1, ch. 441, 1870.

Buffalo
State Asy-
lum for the
Insane to
be estab-
lished.

§ 1763. There shall be established in the city of Buffalo upon the site selected by the commissioners appointed to locate an asylum for the insane in western New York, in the eighth judicial district, an institution, to be designated as "The Buffalo State Asylum for the Insane." § 1, ch. 378,* 1870.

Managers
of said asy-
lum, how
to be ap-
pointed.

§ 1764. The governor is hereby authorized to appoint, by and with the consent of the senate, ten managers for The Buffalo State Asylum for the Insane, designating, at the time of such appointment, their respective terms of office with reference to the following classification, to wit: two of the said managers shall serve for two years, two for three years, two for four years, two for five years, and two for six years from the time of their appointment; and they shall hold their office until others are appointed in their stead, and shall be subject to be removed at any time by the senate, upon the recommendation of the governor. Their successors shall be appointed by the governor, and shall hold their offices for six years, and until others are appointed in their stead, and subject to be removed in the manner aforesaid; and, in case of a vacancy in said board, the governor shall appoint, in manner aforesaid, to fill the unexpired term. The government of the Buffalo State Asylum for the Insane shall be vested in the said board of managers. § 2, same ch.

Their
terms of
office.

Govern-
ment of
asylum

Rights and
duties of
managers,
and how
asylum
to be or-
ganized.

§ 1765. The said managers shall have all the rights and powers, and be subject to the same duties, as are now possessed by and imposed upon the managers of the State Lunatic Asylum at Utica; and the Buffalo State Asylum for the Insane shall be organized and governed

*An act to establish and organize the Buffalo State Asylum for the Insane. Passed April 23, 1870; three-fifths being present.

under the laws organizing and governing the State Asylum at Utica, except as may be herein otherwise provided. § 3, ch. 378, 1870.

§ 1766. The managers shall appoint a medical superintendent, who shall be a well-educated physician of experience, in the treatment of the insane, and a treasurer, who shall reside in the city of Buffalo, and give bonds for the faithful performance of his trust, in such sum and with such sureties as the comptroller of the state shall approve. They shall also appoint at their discretion, and upon the nomination of the medical superintendent, a steward and a matron, and one or more assistant physicians, as the necessities of the hospital shall from time to time require; all of whom, and the medical superintendent, shall constantly reside in the hospital, or on the premises, and shall be designated the resident officers.

Appoint-
ment of
physician.

Medical
superin-
tendent,
matron,
&c., who
to be resi-
dent offi-
cers.

§ 4, same ch.

§ 1767. The managers, shall, from time to time, determine the annual salaries and allowances of the treasurer and resident officers, subject to the approval of the governor of the state, secretary of state and the comptroller; provided that such salaries shall not exceed, in the aggregate, ten thousand dollars for any one year. § 5, same ch.

Salaries of
resident
officers.

§ 1768. The managers shall procure plans, drawings and specifications for the construction of the hospital and other buildings, and the improvement of the grounds, and shall contract for the erection of the buildings in accordance with such plans and specifications, and on such terms as they may deem proper, provided such plans, drawings, specifications, contracts, and the terms thereof, shall be approved by the governor, state engineer, and comptroller, and further provided, that the managers shall not adopt any plans for the hospital or other buildings, nor alter or change the plans adopted, without the assent of the state officers aforesaid. § 6, same ch.

Plans,
drawings
and speci-
fications for
hospital.

§ 1769. The managers and other officers shall have no interest, direct or indirect, in the furnishing of any building materials, or in any contracts for the same, or in any contracts for labor in the erection of said hospital. § 7, same ch.

Officers
and man-
agers not
to be inter-
ested in
contracts.

§ 1770. The treasurer of the state shall pay to the managers, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, such sum or sums of money as they may require for the building of said hospital, at such time as such money may be wanted therefor, in sums not exceeding ten thousand dollars at any one time, not exceeding in the aggregate the sum of fifty thousand dollars; and the expenditure thereof shall be duly and fully accounted for to the comptroller, with the vouchers and full details of the items, and pur-

Duty of
state
treasurer.

HOMŒOPATHIC ASYLUM.

537

§ 1774. There shall be established at Middletown, in the county of Orange, a state lunatic asylum for the care and treatment of the insane and inebriate, upon the principles of medicine known as the homœopathic; and it shall be known by the name of "The State Homœopathic Asylum for the Insane at Middletown." § 1, ch. 474,* 1870.

State
homœo-
pathic asy-
lum for in-
sane to be
estab-
lished.

§ 1775. There shall be twenty-one trustees to manage said institution, and George F. Foote, Thomas Hitchcock, Frederick A. Conkling, John David Wolfe, Peter S. Hoc, John K. Hackett, James P. Wallace, Phineas P. Wells, Henry R. Low, Elisha P. Wheeler, Oliver B. Vail, Robert H. Berdell, Richard B. Connolly, D. D. T. Marshall, Jarroll Dunham, John F. Gray, Homer Ramsdell, Abraham B. Conger, J. Stanton Gould, Alonzo R. Morgan, William M. Graham, shall be the first trustees of the said asylum. At the first meeting of said trustees they shall draw lots in order to divide themselves into seven classes of three each, which classes shall hold office for one year, two years, three years, four years, five years, six years and seven years, respectively; and whenever any vacancies shall exist by death, resignation, refusal to serve, or by removal, or by expiration of term, the governor shall nominate, and by and with the consent of the senate appoint proper persons, who are adherents of homœopathy, to fill the said vacancy. The trustees shall be subject to removal for cause by the senate, upon the recommendation of the governor. § 2, same ch.

Trustees.

Vacancies
in office of
trustees,
how to be
supplied.

§ 1776. The said trustees shall not, for their own private advantage or gain, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise or other property whatsoever belonging to, or to be used for, the said corporation. § 3, same ch.

Trustees
not to be
interested
in con-
tracts.

§ 1777. The financial and other business concerns of said asylum shall be under the direction of said board of trustees, who shall elect from their number at their first meeting, and at each subsequent annual meeting, a president, a vice-president, a secretary and a treasurer, who shall hold their offices for one year, or until their successors shall be elected. Seven of said trustees shall constitute a quorum for the transaction of business, and a majority of the number present at a meeting shall be requisite to make any order in the management of the asylum. All other duties, rights and powers of said trustees, shall be the same as those imposed upon the managers of the State Lunatic Asylum at Utica. § 4, ch. 474, 1870.

Business
concerns
of asylum
to be
under di-
rection of
board of
trustees.

Quorum.

Rights,
powers
and duties
of trust-
ees.

§ 1778. Any trustee failing to attend the regular meet-

Trustee,
when to be

* An act to establish a homœopathic asylum for the insane, at Middletown, New York. Passed April 28, 1870; three-fifths being present.

- deemed to have vacated office. ings of the board for one year may thereupon, at the option of said board, be deemed to have vacated his office, and a successor may be appointed to fill the same. § 5, same ch.
- Annual meeting of trustees. § 1779. The trustees shall hold their annual meeting on the third Thursday in June, at the asylum, to receive reports of their officers as to the business and affairs of said corporation, and to transact such other business as may be deemed necessary. § 6, same ch.
- By-laws, how made. § 1780. The board of trustees of said asylum shall have power to make, constitute, ordain and establish from time to time, such by-laws, rules and regulations as they shall deem proper for transacting, managing and directing the affairs of said asylum; provided, that such by-laws, rules and regulations do not conflict with this act, or with the constitution and laws of this state or of the United States. § 7, same ch.
- Physician and other officers, how appointed, and their salaries how fixed. § 1781. The board of trustees may appoint a superintending homœopathic physician and assistant physicians, and such other officers and agents of the said corporation as they shall deem necessary, who shall respectively hold and perform the duties pertaining to their offices and agencies during the pleasure of said board, and the said board shall, from time to time, fix the salaries of such superintending physicians, assistant physicians, officers and agents. § 8, same ch.
- Charges for care and treatment of patients. § 1782. The charges to be made by the said asylum for the care and treatment of patients shall be such sums only as shall in the aggregate be sufficient to defray the current expenses of said asylum. § 9, same ch.
- Asylum, where to be built. § 1783. The said asylum shall be built upon such lands as the trustees may purchase, or such as may be given to it, near to or within the village of Middletown, Orange county. § 10, same ch.
- Treasurer of state, when only to pay for building asylum. § 1784. The treasurer of the state is hereby directed to pay, on the warrant of the comptroller, to the trustees named in this act, such sum or sums of money as they may require for the building of said asylum, and at such times as may be wanted in the prosecution of said work; but said sum or sums in the aggregate not to exceed one hundred and fifty thousand dollars. But the said sum or sums of money shall not be paid until it is proven to the satisfaction of the comptroller that one hundred and fifty thousand dollars have been subscribed by private persons and actually paid in cash, to be applied to the purchase of a site for, and the construction and maintenance of, said asylum; and the expenditure of the said sum or sums appropriated by the state, together with all amounts derived or received from other sources, shall be fully and

accounted for to the comptroller. § 11, ch. 474,

785. The treasurer of said asylum shall give bonds Treasurer of asylum to give bonds to be approved. for the faithful performance of his trust in such sum and such sureties as the comptroller of the state shall require. § 12, same ch.

786. The comptroller of the state is hereby directed Duty of comptroller. to issue his warrant for the payment of one hundred and thousand dollars, or any part thereof, to the said asylum, in accordance with this act. § 13, same ch.

ARTICLE NINE.*

THE STATE LUNATIC ASYLUM FOR INSANE CRIMINALS.

1787. Building on prison grounds at Auburn to be known as the asylum for insane criminals.

1788. Inspectors of state prisons to appoint medical superintendent; his duties.

1789. Superintendent to reside in building; his salary.

1790. Other officers, how appointed.

1791. Female convicts at Sing Sing becoming insane to be removed, &c.

1792. Superintendent to file bond in comptroller's office.

1793. To estimate, monthly, moneys necessary for maintenance of asylums; duty of inspector in charge of Auburn prison.

1794. Inspectors required to adopt rules and regulations.

1795. When physicians certify as to insanity of convicts; duty of inspectors thereupon.

1796. Insane convict; when to be removed to the county of his residence.

1797. Convicts, when to be transferred to Auburn prison.

1798. When convicts transferred to asylum, copy certificate of conviction to be filed, and original delivered to superintendent.

1799. Pay of physicians for services, &c.

1800. Certain persons escaping indictment or conviction on ground of insanity to be sent to asylum at Auburn.

1801. Convicts under sentence of murder, arson, &c.; in other asylums, when and how may be removed to this asylum.

787. The building erected on the prison grounds at Auburn, for an asylum, shall be known and designated as the State Lunatic Asylum for Insane Criminals at Auburn. State Lunatic Asylum for Insane Criminals. h. 130, 1858, as amended by § 3, ch. 895, 1860.

788. The inspectors of state prisons shall, at the first meeting of their board at the Auburn prison, Inspectors to appoint a medical superintendent.

* This article consists principally of chapter 130 of the laws of 1858, entitled "to organize the State Lunatic Asylum for Insane Criminals," as subsequently amended and modified.

after the passage of this act, appoint a medical superintendent for said asylum, who shall, under the direction of the said inspectors, have the charge of said asylum, and shall make all the purchases for the support of said asylum, and shall account for all moneys coming to his hand in the same manner as the agent and warden of any of the state prisons are now required by law to account. § 2, ch. 130, 1858.

Superintendent to reside in the building.
His pay.

§ 1789. The said medical superintendent shall reside in the building, and shall devote all the time necessary to the cure and treatment of those confined therein for treatment. He shall receive a salary of one thousand dollars per annum, payable monthly, and shall be allowed rations for himself and family, and all necessary fuel and lights for warming and lighting his rooms in said building. § 3, same ch.

Other officers and their salaries.

§ 1790. The other officers in said asylum shall be an assistant superintendent, and not exceeding six attendants for the male department, and two female attendants for the female department, who shall be recommended by the medical superintendent, and, if approved of by the board of inspectors of state prisons, shall be appointed as such by said board of inspectors, and shall be paid as follows: The assistant superintendent shall receive thirty dollars per month, payable monthly, and shall also be boarded in and at the expense of said asylum; and the said attendants shall each receive twenty dollars per month and be boarded in said asylum. § 4, ch. 130, 1858, as amended by ch. 734, 1865, and by § 1, ch. 113, 1867.

Female convicts at Sing Sing becoming insane.

§ 1791. The inspectors of state prisons shall cause any female convict in the state prison at Sing Sing, who now is or may hereafter become insane, to be removed to and retained in the female department of the State Lunatic Asylum for Insane Criminals* in the manner provided, and subject to the provisions of the above mentioned act. And all the provisions of said act shall apply to the cases of convicts so removed, except that whenever any such female convict shall have become restored to reason she shall be transferred to and again received into the female state prison at Sing Sing. § 2, ch. 113, 1867, as modified by ch. 895, 1869.

Superintendent to file bond.

§ 1792. The medical superintendent shall file in the office of the comptroller of this state a bond, in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duty as such, which bond, before it shall be filed, shall be approved by the board of inspectors; and no such medical superintendent shall enter upon the discharge of the duties of said office till such bond so

* "Convicts" omitted and "Criminals" substituted in the place thereof.

shall have been duly filed as aforesaid. § 5, 1858.

The superintendent shall estimate monthly, as provided by law, and subject to the same restrictions as in the case of agents and wardens of the prisons, for all the moneys necessary for the support and maintenance of said asylum; which estimate shall be submitted to and carefully examined by the inspector in charge of the said Auburn prison, who, if he is satisfied that the said estimate is correct, and that the amounts named in said estimate are actually needed for the support and maintenance of said asylum, shall certify to the comptroller; and on the production of said estimate, so certified, the comptroller shall draw his warrant on the treasury for the amount of said estimate, and the treasurer shall pay the amount of said warrant out of any moneys in the treasury appropriated for the support of the asylum. § 6, same ch.

Shall estimate monthly.

The inspectors of state prisons shall adopt such regulations, from time to time, as they shall deem proper for the control and management of the said prisons, and shall have power to remove any and all the persons from said asylum for cause, and shall enter such removal on the minutes of their proceedings at the next meeting. And no officer removed by the said inspectors, shall be re-appointed to any position in said asylum. § 7, same ch.

Inspectors to adopt rules and regulations.

Whenever the physician of either of the state prisons shall certify to the board of inspectors that any convict confined in such prison is insane, it shall be the duty of such board, or of the inspector in charge, to make, immediately, a medical examination of the condition of such convict, and if he is found to be insane the said board of inspectors, or the inspector in charge, may order the agent or warden of the prison where such convict is confined forthwith to remove said convict to the State Lunatic Asylum for Insane Criminals, and to deliver him to the superintendent of the said asylum, who is hereby required to receive him into the asylum and retain him there until legally discharged. § 8, ch. 130, 1858, as amended by § 1, ch. 139, 1869.

Physicians to certify as to insane convicts.

Whenever any convict in the State Lunatic Asylum for Insane Criminals, under and by virtue of the provisions of this act, shall continue to be insane at the expiration of that term for which he was sentenced, the inspectors, upon the superintendent's certificate that he is harmless and will probably continue so, and is not likely to be improved by further treatment in the asylum, or upon a like certificate that he is mani-

When insane convict to be removed to the county of his residence.

Duty of
superin-
tendent of
the poor.

Duty of
county
judge.

Convicts
when re-
stored to
reason to
be return-
ed to pri-
son.

Convicts,
when
trans-
ferred to
asylum,
&c.

festly incurable and can probably be rendered comfortable at the county almshouse, may cause such insane convict to be removed, at the expense of the state, from said asylum to the county wherein he was convicted, or to the county of his former residence, and delivered to and placed under the care of the superintendent of the poor of such county, and the said superintendent is hereby required to receive such insane convict under his charge; they may also discharge and deliver any convict whose sentence has expired, and who is still insane, to his relatives or friends, who will undertake with good sureties, to be approved by said superintendent of the State Lunatic Convict Asylum, for his peaceful behavior, safe custody and comfortable maintenance without further public charge; and no convict shall be retained in the said State Lunatic Convict Asylum after the expiration of his sentence to the State prison, unless by the order of the county judge of the county in which said asylum is situated; and the said county judge, upon the application of the said superintendent, shall proceed to investigate the question of the insanity of such convict, and shall cause two respectable physicians, to be designated by him, to examine said convict, and upon their evidence, under oath, and upon such other testimony as he shall require, shall decide the case as to his insanity; and if he is satisfied that such convict is insane, shall make an order that the said convict shall be retained in the said asylum until he is recovered of his insanity, or is otherwise discharged according to law; and the fees of such physicians and witnesses shall be audited by the state prison inspector in charge and shall be a charge against the state, to be paid by the comptroller out of the general fund; but such fees shall not in any one case exceed the sum of ten dollars. § 9, ch. 130, 1858, as amended by § 2, ch. 139, 1863.

§ 1797. Whenever any convict, who shall have been confined in the said asylum as a lunatic, shall have become restored to reason, and the medical superintendent of said asylum shall so certify in writing, he shall be forthwith transferred to the Auburn state prison, and the agent and warden of said prison shall receive said convict into the said prison, and shall in all respects treat such convict as if he had been originally sentenced to imprisonment in said prison, though said convict may have been conveyed to the said asylum from either of the other prisons of this state. § 10, ch. 130, 1858.

§ 1798. Whenever the inspectors of state prisons shall order any convict to be transferred to the asylum for Insane Criminals, the agent and warden of the prison from which such convict is transferred shall cause a correct copy of the original certificate of conviction of said con-

vict to be filed in his office, and shall deliver the original certificate to the superintendent of the asylum; and when any such convict shall be transferred to the Auburn prison from such asylum, as hereinbefore provided, the said superintendent shall deliver to the agent and warden of said prison such original certificate, which shall be filed in the clerk's office in said prison. § 11, same ch.

§ 1799. The physician who shall attend any meeting of the board of inspectors of state prisons, or who shall make any examinations of any convict, as hereinbefore provided, shall be paid his actual and reasonable traveling expenses in going to and returning from such examination or meeting, on the certificate of the president of the board of inspectors of state prisons that he has attended such meeting or examination. § 12, same ch.

§ 1800. When a person accused of the crime of arson or murder, or attempt at murder, shall have escaped indictment, or shall have been acquitted upon trial upon the ground of insanity, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether the insanity in any degree continues, and if it does, shall order such person into safe custody and to be sent to one of the state lunatic asylums, or to the State Lunatic Asylum for Insane Criminals at Auburn, at the discretion of the court. If any person in confinement under indictment for the crime of arson or murder, or attempt at murder, shall appear to be insane, the county judge of the county where he is confined shall institute a careful investigation, call two or more respectable physicians and other credible witnesses, invite the district attorney to aid in the examination, and, if it be deemed necessary, call a jury, and for that purpose is fully empowered to compel the attendance of witnesses and jurors; and if it is satisfactorily proved that such person is insane, said judge may discharge such person from imprisonment, and order his safe custody and removal to one of the state lunatic asylums, or to the State Lunatic Asylum for Insane Convicts, at the discretion of such judge, where such person shall remain until restored to his right mind, and then, if the said judge shall have so directed, the superintendent of said asylum shall inform the said judge and the district attorney of the county thereof, so that the person so confined may, within sixty days thereafter, be remanded to prison, and criminal proceedings be resumed, or otherwise discharged. If any such person be sent to either of said asylums, the county from which he is sent shall defray all the expenses of such person while at the asylum, and the expense of returning him to such county; but the county may recover the amount so paid from his own estate, if he have any, or

Pay of
physician.

Confinement of
insane criminals.

Investigation as to
insanity of
certain
persons
under indictment.

Duties of
county
judge.

Judge may
order discharge and
removal to
asylum

Persons
may be re-
manded to
prison
upon res-
toration
to sanity.
Expenses
at asylum,
&c., how
borne.

from any relative, town, city or county that would have been bound, by existing laws, to provide for and maintain him elsewhere. § 1, ch. 895, 1869.

Proceed-
ings for re-
moval of
criminals
to asylum
at Auburn.

Expenses,
how paid.

§ 1801. Any person now or hereafter confined in either of the state lunatic asylums upon the charge of arson or murder, or attempt at murder, under the provision of section thirty-one or thirty-two of chapter one hundred and thirty-five of the laws of eighteen hundred and forty-two, or under the preceding section of this act, may, upon the application of any superintendent of an asylum, be brought before a justice of the supreme court, who may order his removal to the State Lunatic Asylum for Insane Criminals at Auburn. The provision of the preceding section, requiring the county to defray the expenses of a person sent to either asylum, shall be equally applicable to similiar expenses arising under this section. § 2, same ch.

ARTICLE TEN.

ASYLUM FOR IDIOTS.*

SECTION 1802. Management of asylum ; in whom vested.

1803. Trustees ; how appointed and removed ; five members of board of trustees to constitute a quorum.

1804. Powers and duties of board of trustees.

1805. Such board to appoint superintendent and treasurer ; superintendent to appoint steward and matron, and they to be denominated resident officers of the asylum.

1806. Annual salaries of resident officers ; how determined.

1807. Such salaries to be paid quarterly.

1808. Real and personal estate may be held by the trustees in trust for the state.

* The following are sections 1, 2, 3 and 5 of chapter 502 of the laws of 1851, entitled "An act to establish an asylum for idiots and making an appropriation therefor," to wit :

§ 1. The governor shall, by and with the advice and consent of the senate, appoint five trustees, who, together with the governor, lieutenant-governor, secretary of state and comptroller, shall be trustees of an institution for the education of idiots, to be called "The Asylum for Idiots," with power to establish rules and regulations for the government of the asylum.

§ 2. The said trustees shall procure a building suitable for the education of such idiots as may be selected by said trustees not exceeding twenty, and they shall have power to employ all necessary teachers, keepers and assistants.

§ 3. The said number of idiots shall be selected from those whose parents or guardians are unable to provide for their support, some of them from each of the judicial districts of this state, and the trustees are authorized to receive such additional number of idiots as can be conveniently received into the asylum on such terms, and on the payment of such sum as the trustees may deem just.

§ 5. The trustees of this institution shall make an annual report, on or before the first day of February in each year, to the legislature, of the condition of the institution.

Said sections have been superseded by subsequent legislation.

By section 4 of chapter 163 of 1855, Hamilton White, Allen Munroe and Hiram Putnam were appointed trustees of said asylum in addition to the number then provided by law, and five trustees declared sufficient to constitute a quorum for the transaction of business.

- SECTION 1800.** Trustees directed to establish by-laws.
1810. Superintendent to be chief executive officer; his powers and duties pointed out.
1811. Resident officers, teachers, assistants and attendants exempt from serving on juries, from military duties in times of peace, and from assessments for highway labor.
1812. Record of proceedings of the board to be kept and to be open to inspection.
1813. Duties of board of trustees, a meeting of such board to be held twice a year, and committee to be appointed annually.
1814. Resident officers to admit any of trustees, and their books and papers always to be open to such trustees, abstracts and copies to be furnished, &c.
1815. Powers and duties of treasurer pointed out.
1816. Such treasurer to receive moneys due to the asylum; actions by such treasurer not to abate; where such actions may be brought, and how judgments to be discharged of record, &c.
1817. Duty of superintendent on admission of pupil into the asylum.
1818. Supervisors required to annually raise money for clothing of pupils; notice to be given by superintendent to clerk of board of supervisors.
1819. Number of pupils to be supported gratuitously in the asylum; what pupils so to be received and on what conditions, and how to be designated.
1820. State pupils; when discharged; duty of superintendent in respect thereto; duty of superintendent of the poor.
1821. Superintendent to agree with parent or guardian for support of pupil; bond to be executed and how conditioned; notice to remove idiot, what to contain; and, in case of failure to remove, duty of superintendent.
1822. Provisions of § 19, ch. 220, 1862 (§ 1830), applicable to all state pupils; bonds, &c., valid, and how may be prosecuted.
1823. Inconsistent acts repealed.

§ 1802. The management for the Asylum for Idiots shall be vested in a board of trustees, consisting of the governor, lieutenant-governor, secretary of state, comptroller, superintendent of public instruction, and eight other persons. § 1, ch. 220,^a 1862.

Management of asylum.

§ 1803. Henry N. Pohlman, James H. Titus, Hamilton White, Allen Munroe, Hiram Putnam, Franklin Townsend, Lyman Clary and George H. Middleton, present trustees of the Asylum for Idiots, shall continue to be such trustees, and shall hold their office as follows: the said Franklin Townsend and George H. Middleton for two years, the said Allen Munroe and Hamilton White for four years, the said Henry N. Pohlman and Lyman

Trustees.

^aAn act to reorganize the State Asylum for Idiots, and to provide for the government and management thereof," passed April 12, 1862; three-fifths as present.

How appointed hereafter.	Clary for six years, and the said James H. Titus and Hiram Putnam for eight years, from the thirty-first day of December, one thousand eight hundred and sixty-one, and until others are appointed in their places, subject, however, to being removed at any time by the senate, upon the recommendation of the governor. Their successors shall be appointed by the senate, upon the nomination of the governor, and shall hold their offices for eight years, and subject to be removed in the manner aforesaid. The senate may, in like manner, appoint a trustee for the unexpired term of office of any incumbent who shall die, resign, be removed from office, or cease to be an inhabitant of the state during his term, and such trustee shall be subject to removal in the manner above provided. Five members of the said board shall constitute a quorum for the transaction of business. § 2, same ch.
Quorum.	§ 1804. Said board shall have the general direction and control of all the property and concerns of the said asylum not otherwise provided by law, and shall take charge of its general interests, and see that its general design be carried into effect and every thing done faithfully, according to the requirements of the legislature, and the by-laws, rules and regulations of the asylum. § 3, same ch.
Powers and duties of board of trustees.	§ 1805. The board shall appoint a superintendent, who shall be a well-educated physician, and a treasurer, who shall reside in the city of Syracuse, and give bonds to the people of the state for the faithful performance of his trust, in such sum and with such sureties as the comptroller of the state may approve. The superintendent shall appoint a steward and a matron, who, together with the superintendent, shall constantly reside in the asylum, and shall be denominated the resident officers thereof. § 4, same ch.
Officers.	§ 1806. The board shall, from time to time, determine the annual salaries and allowances of the resident officers of the asylum. But no determination as to said salaries, or either of them, nor any alteration of them, or either of them, shall be made unless there shall be present at a meeting of the board of trustees, the governor, lieutenant-governor, secretary of state, comptroller, superintendent of public instruction, or a majority of those officers, of whom the comptroller shall be one. § 5, ch. 220, 1862.
Salaries of officers.	§ 1807. The salaries and allowances of the resident officers of the asylum shall be paid quarterly on the first days of October, January, April and July, in such year, by the treasurer of the asylum, on presentation of the bills therefor, audited, allowed and certified, as prescribed in the by-laws. § 6, same ch.
When payable.	

§ 1808. The trustees may take and hold in trust for the state any grant or devise of land, or any donation or bequest of money or other personal property, to be applied to the maintenance and education of idiots, and the general use of the asylum. § 7, same ch.

May hold
in trust
gifts,
grants or
devisees.

§ 1809. The trustees are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, teachers, attendants and assistants, for fixing the conditions of admission, support and discharge of pupils, and for conducting in a proper manner the business of the asylum; also to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the asylum. § 8, same ch.

Establish
by-laws.

§ 1810. The superintendent shall be the chief executive officer of the asylum. He shall have the general superintendence of the buildings, grounds and farm, together with their furniture, fixtures and stock, and the direction and control of all persons employed in and about the same, subject to the laws and regulations established by the trustees. He shall have the appointment of his co-resident officers, with power to assign them their respective duties, subject to the by-laws. He shall employ, subject to the supervision of the board of trustees, such teachers, attendants and assistants as he may think proper and necessary for the economical and efficient carrying into effect of the design of the institution, prescribe their several duties and places, and fix their compensation, and may discharge any of them. He shall, also, from time to time, give such orders and instructions as he may judge best calculated to induce good conduct, fidelity and economy in any department of labor and expense, and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce strict compliance with such instructions, and uniform obedience to all the rules and regulations of the asylum. He shall further cause full and fair accounts and records of all his doings, and of the entire business and operations of the institution, together with the condition and prospects of the pupils, to be kept regularly, from day to day, in books provided for that purpose; and he shall see that all such accounts and records shall be fully made up to the first days of April and October in each year, and that the principal facts and results, with his report thereon, be presented to the board at its semi-annual meetings. The exercise of the foregoing powers shall be subject to the approval of the trustees, except as herein otherwise provided. He shall conduct the official correspondence of the institution, and keep a record of

Superin-
tendent to
be chief
executive
officer.
His duties
and pow-
ers.

Exemptions of officers.	the applications received, and the pupils admitted, and he shall be accountable for the careful keeping and economical use of all furniture, stores and other articles provided for the asylum, and prepare and present to the board at its semi-annual meetings a true and perfect inventory of all the personal property and effects belonging to the asylum. § 9, ch. 220, 1862. § 1811. The resident officers of the asylum and all the teachers, attendants and assistants actually employed therein, during the time of such employment shall be exempt from serving on juries, from all assessments of labor on the highways, and in time of peace from all service in the militia; and the certificate of the superintendent shall be conclusive evidence of such employment. § 10, same ch.
Board to keep a record.	§ 1812. The board shall keep in a bound book, to be provided for that purpose, a fair and full record of all its doings, which shall be open at all times to the inspection of any of its members, and of all persons whom the governor or either house of the legislature may appoint to examine the same. § 11, same ch.
Times of meeting of trustees.	§ 1813. The board of trustees shall maintain an effective inspection of the affairs and management of the institution; for which purpose the board shall meet at the asylum twice in each year, at such time as the by-laws shall provide; and a committee of three trustees to be appointed by the board, at the annual meeting thereof, shall visit it once in every month; such committee shall also perform such other duties, and exercise such other powers, as shall be prescribed by the by-laws, or as the board may, from time to time, ordain. § 12, same ch.
Trustees shall have access to accounts and building.	§ 1814. It shall be the duty of the resident officers to admit any of the trustees into every part of the asylum, and to exhibit to him or them, on demand, all the books, papers, accounts and writings belonging to the institution, or pertaining to its business, management, discipline or government; also, to furnish copies, abstracts and reports whenever required by the trustees. § 13, ch. 220, 1862.
Duties of treasurer.	§ 1815. The treasurer shall have the custody of all moneys, bonds, notes, mortgages, and other securities and obligations belonging to the asylum. He shall keep full and accurate accounts of receipts and payments, in the manner directed in the by-laws, and such other accounts as the trustees shall prescribe. He shall balance all the accounts on his books annually, on the first day of October, and make a statement of the balances thereon, and an abstract of all the receipts and payments of the past year, which he shall, within three days thereafter, deliver to the auditing committee of the trustees, who shall compare the same with his books and vouchers, and verify

the same by a further comparison with the books of the superintendent, and certify the correctness thereof to the trustees at their annual meeting. He shall further render a quarterly statement of his receipts and payments to said auditing committee, who shall compare and verify the same as aforesaid, and report the result, duly certified, to the trustees, at the annual meeting thereof, who shall cause the same to be recorded in one of the books of the asylum. He shall further render an account of the state of his books, and of the funds and other property in his custody, whenever required so to do by the trustees. § 14, same ch.

§ 1816. Said treasurer is also authorized to receive, for the use of the asylum, any and all sums of money which may be due upon any note or bond in his hands belonging to the asylum; also, any and all sums which may be charged and due according to the by-laws of the asylum, for the support of any pupil therein, or for actual disbursements made in his behalf for necessary clothing and traveling expenses, in an action in the supreme court, to be brought in said treasurer's name, as treasurer of the asylum for idiots, and which shall not abate by his death, removal or resignation, against the individual or county liable therefor, and having neglected to pay the same when demanded by the treasurer; in which action judgment shall be rendered for such sum as shall be found due, together with costs, and interest from the time of the demand made as aforesaid. Every such action may be brought in the county of Onondaga. Said treasurer may also, upon the receipt of the money due upon such judgment, or upon any mortgage in his hands belonging to the asylum, execute a release, and acknowledge full satisfaction thereof, so that the same may be discharged of record. § 15, ch. 220, 1862.

§ 1817. The superintendent shall, at the time of the admission of any pupil into the asylum, enter in a book, to be printed and kept for that purpose, a minute, with date, of the name and residence of the pupil, and of the person or persons upon whose application he is received; together with a copy of the application, statement, certificate and all other papers accompanying such idiot; the originals of which he shall file and carefully preserve. § 16, same ch.

§ 1818. The supervisors of any county in the state, from which state pupils may be selected and received into the asylum, are hereby authorized and required, while

Authority of treasurer to receive moneys due the asylum.

Suits to be brought in name of treasurer as such. Such suits not to abate, and where may be brought.

Satisfaction of judgments, &c.

Name and residence of pupil to be kept.

Duty of supervisors in respect to clothing.

*The following is section 3, ch. 163, 1863, to wit:

§ 3. The supervisors of any county in the state from which state pupils may be selected and received into the said asylum for idiots, and whose parents are unable to furnish them with suitable clothing, are hereby authorized and required, while such pupils are under instruction, to raise a sum of money for this purpose, not exceeding twenty dollars in any one year, for each pupil from said county.

such pupils remain at the asylum, to raise the sum of thirty dollars annually for the purpose of furnishing suitable clothing for each pupil from said county; and, on or before the first day of April in each year, pay over the same to the treasurer of the asylum. The superintendent shall, on the reception of any pupil, give notice thereof to the clerk of the board of supervisors of the county from which such pupil shall have been sent. § 17, ch. 220, 1862, as amended by ch. 739, 1867.

Notice to
be given.

Manner of
receiving
pupils.

*§ 1819. There shall be received and supported gratuitously in the asylum one hundred and twenty pupils, to be selected in equal numbers, as near as may be, from each judicial district, from those whose parents or guardians are unable to provide for their support therein, to be designated as state pupils; and such additional number of idiots as can be conveniently accommodated may be received into the asylum by the trustees, on such terms as may be just. But no idiot shall be received into the asylum, without there shall have been first lodged with the superintendent thereof a request to that effect, under the hand of the person by whose direction he is sent, stating the age, and place of nativity, if known, of the idiot, his christian and surname, the town, or city, and county in which they severally reside, the ability or otherwise of the idiot, his parents or guardians, to provide for his support in whole or in part, and if in part only, then what part; and the degree of relationship, or other circumstance of connection between him and the person requesting his admission; which statement shall be verified in writing by the oath of two disinterested persons, residents of the same county with the idiot, acquainted with the facts and circumstances so stated, and certified to be credible by the county judge of the same county. And no idiot shall be received into said asylum unless the county judge of the county liable for his support shall certify that such idiot is an eligible and proper candidate for admission to said asylum as aforesaid. § 18, ch. 220, 1862.

Certificate
of county
judge.

Relating
to dis-
charge of
pupil and
payment
of expen-
ses.

§ 1820. Whenever the trustees shall direct a state pupil to be discharged from the asylum, the superintendent thereof is authorized to return such pupil to the county from which he was sent to the asylum, and deliver him to the keeper of the poor-house of such county; and the superintendents of the poor of said county shall audit and pay the actual and reasonable expense of such removal, as

* By section 3, of ch. 159, 1853, it was enacted that there should be received and be supported gratuitously, in the said asylum, sixty-four pupils, to be selected in equal numbers, as near as might be, from each judicial district, from those whose parents or guardians were unable to provide for their support therein; and such additional number of idiots as could be conveniently accommodated might be received into the asylum, by the trustees, on such terms as they might deem just.

part of the contingent expenses of said poor-house. But if any town, county or person be legally liable for the support of such pupil, the amount of such expenses may be recovered for the use of the county, by such superintendents of the poor. If such superintendents of the poor neglect or refuse to pay such expenses, on demand, the treasurer of the asylum may pay the same and charge the amount to the said county; and the treasurer of the said county shall pay the same, with interest, after thirty days, out of any fund in his hand not otherwise appropriated; and the supervisors of the said county shall levy and raise the amount as other county charges. § 19, same ch.

Duty of superintendent of the poor.

§ 1821. The superintendent is authorized to agree with the parent, guardian or committee of any idiot, or with any other person or persons, for the support, maintenance and clothing of any idiot, at the asylum, upon such terms and conditions as may be prescribed by the by-laws or approved by the trustees. But every parent, guardian, committee or other person applying for the admission into the asylum of any idiot who, or whose parents or guardians, are of sufficient ability to provide for his maintenance therein, shall, at the time of his admission, deliver to the superintendent a bond, with one more sureties, to be approved by the trustees in such a manner as they shall prescribe, in the penal sum of at least three hundred dollars, conditioned to pay to the treasurer, for the time being, of the asylum, by his name of office, all such sum or sums of money, at such time or times as shall be agreed upon as aforesaid; and to remove such idiot from the asylum, free of expense to the trustees, within twenty days after the service of the notice hereinafter provided. And if such idiot, or his parents or guardians, are of sufficient ability to pay only some portion less than the whole of the expenses of supporting and clothing him at the asylum, said bond shall be conditioned only for his removal as aforesaid; and the superintendent may take security by note or other written contract or agreement, with or without sureties, as he may deem proper, for such portion of the said expenses as the idiot, his parents or guardians, are able to pay, subject, however, to the approval of the trustees, in the manner that shall be prescribed in the by-laws. Notice to remove any idiot from the asylum shall be in writing, signed by the superintendent; it shall be directed to the parents, guardians, committee or other person or persons, upon whose request he was received, at the place or places of residence, mentioned in such request, and may be served by depositing the same in the post-office in the city of Syracuse, and with the postage prepaid. If the idiot shall not be re-

Supt. to agree with parent for support of idiot.

Bond to be executed.

Amount to be paid by parent or guardian.

Notice to remove idiot; what to contain.

moved from the asylum, according to the conditions of said bond, within twenty days after the service of such notice in manner aforesaid, he may be removed and disposed of by the superintendent, as directed in the last preceding section in relation to state pupils, and all the provisions of that section respecting the payment and recovery of the expenses of the removal and disposition of a state pupil shall be equally applicable to similar expenses arising under this section. § 20, ch. 220, 1862.

Not to
affect the
validity of
any note
or security
belonging
to asylum.

§ 1822. The provisions of section nineteen of this act (section 1820) shall be applicable to all state pupils now in the asylum. And any bond, bill, note, agreement, undertaking or other security for the maintenance or support of any pupil at the asylum, heretofore made by any person in his behalf and now belonging to the asylum, shall be valid and effectual in law, and may be prosecuted as provided in section fifteen (section 1816) of this act. § 21, same ch.

Repeal.

§ 1823. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed. § 22, same ch.

ARTICLE ELEVEN.

NEW YORK STATE INEBRIATE ASYLUM.*

SECTION 1824. Act of incorporation amended.

1825. Name of asylum designated.

1826. Stockholder, who deemed.

1827. Objects of the institution defined. Its power to take and hold property, sue and be sued, &c.

1828. Donations or legacies to asylum; free beds, who entitled to; when such free beds may be filled with poor patients.

1829. The fund, and how may be increased.

1830. Affairs and concerns of asylum, how managed; election, by-laws, committees, &c.

1831. Liability of subscribers limited.

1832. Board of trustees constituted: how vacancy in board may be supplied.

1833. Removal of trustees, how may be effected.

1834. Election of trustees, president, treasurer and inspectors of election.

1835. Power of institution to receive and retain inebriates; poor patients to be employed and to have the benefit of their earnings.

* The following is section 3, ch. 704, 1870, entitled "An act making appropriations for certain public and charitable institutions," to wit:

§ 3. The commissioners of the land office are hereby required to examine into the management of the Inebriate Asylum at Binghamton by the superintendent and other officers of that institution, and to take such action (if any) to protect the interest and property of the state in said asylum, as they may deem necessary, and to report to the next legislature their action thereon.

STATE INEBRIATE ASYLUM.

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1836. Habitual drunkard may be committed by his committee to asylum.
1837. Commitments of inebriates to the asylum by justices of the supreme court and county judges authorized, &c. ; duration of such commitments limited.
1838. Policemen, appointment of, board of trustees authorized ; duties of such policemen.
1839. No liquors, opium, or tobacco to be sold or given to the patient.
1840. Penalty for so doing, a fine of \$50, and party offending guilty of a misdemeanor.
1841. Penalties under act, how recovered, and to whom to be paid.
1842. Ten per cent of all excise moneys received in such county to be paid to asylum.
1843. Site of asylum established, and certain acts fixing same confirmed.
1844. Moneys to be expended in completing asylum buildings, &c.
1845. Treasurer of asylum to give bond ; its form and conditions.
1846. Annual report of trustees to be made and filed in office of secretary of state.
1847. Duration of charter ; when charter expires the asylum and asylum grounds shall vest in the state.
1848. Bonds of asylum authorized to be issued, how executed, &c.
1849. Foreclosure of said bonds, how effected.
1850. Duplicate bonds to be filed and to be a lien, but no priority of liens between bondholders.
1851. Acts inconsistent with chapter 65, 1861, repealed.

1824. The act (chapter 243, 1854) entitled "An act to incorporate the United States Inebriate Asylum, for reformation of the poor and destitute inebriate," and April fifth, eighteen hundred and fifty-four, and the chapter 576, 1855) amending the same, passed April twenty-third, eighteen hundred and fifty-five, are hereby added so as to read as follows: § 1, ch. 184,* 1857.

Act of incorporation of asylum amended.

1825. All persons who shall become subscribers pursuant to this act shall be and they are hereby constituted a body politic and corporate by the name of the New York State Inebriate Asylum. § 2, same ch.

Body politic and corporate.

1826. Any person donating the sum of ten dollars to the asylum hereby incorporated shall be deemed a subscriber and a stockholder. § 3, same ch.

Subscribers and stockholders.

1827. The object of this institution shall be for the medical treatment and control of the inebriate, and for the purpose it shall have power, in its corporate name, to purchase and hold real estate in the state of New

Objects of the New York State Inebriate Asylum.

* act to amend an act entitled, "An act to incorporate the United States Inebriate Asylum for the reformation of the poor and destitute inebriate," passed April 5, 1854, and the act amending the same, passed April 23, 1855, and to change the name of this institution." Passed March 27,

	York, and erect thereon a building or buildings suitable for the purpose of an asylum hereinbefore named, and to take, purchase, hold and convey such personal property as may be necessary to carry out the object of said asylum and for no other purpose whatever. Said asylum shall have power to sue and be sued, to make and use a common seal and alter the same at pleasure; to take and hold any grant or devise of land, or any donation or bequest of money or other personal property, to be applied to the funding and maintenance of said asylum. § 4, same ch.
Seal.	
To hold real estate.	
Donations and privileges to donors.	§ 1828. Any person who shall donate, or leave by legacy, the sum of five thousand dollars to the New York State Inebriate Asylum, shall establish forever a free bed in said asylum. Two thousand five hundred dollars shall provide a free bed in said asylum for six months in each year. Twelve hundred and fifty dollars shall provide a free bed in said asylum for three months in each year. The donor or legator shall name the patient who shall occupy the said free bed, but in case the donor or legator shall fail to name a patient to occupy the free bed, which said donor or legator shall have endowed, then the trustees of said asylum shall fill the said free bed with a poor patient. The said patients in said free beds shall be provided with medical treatment and board free of charge, and said patients shall be subject to the rules and regulations of said asylum. § 5, ch. 65, 1861.
Free beds, when to be occupied by poor patients.	
Fund.	§ 1829. The fund of said institution shall be fifty thousand dollars, but may be increased to three hundred thousand dollars at any time the board of trustees may think it compatible with the best interests of said asylum, and shall be deemed personal property. § 5, ch. 184, 1857.
How deemed.	
Affairs, how managed.	§ 1830. All the affairs and concerns of said asylum shall be managed by and conducted under the direction of forty trustees, who shall be subscribers and citizens of the state of New York, and who shall be elected by the subscribers, after the present year, annually (on the first Wednesday in June of each year, at the office of the institution, at 10 o'clock A. M.), by ballot, by plurality of subscribers present or represented by proxy, each and every subscription of ten dollars having one vote. If for any cause such election shall not be so held, the said asylum shall not be deemed dissolved, but said election shall be held within twelve months thereafter; notice of the time and place of each election shall be published for two weeks immediately preceding the day appointed therefor in the state paper. The said board of trustees, annually, from their own body (shall elect, by ballot, a president and treasurer of said asylum on the first Wednesday of June in each year, at eleven o'clock A. M.), who, so long as they shall continue trustees of said asylum, shall hold their
Election.	
See § 1854.	
President and treasurer.	

- respectively during the pleasure of the board of s; and said trustees shall have the power to fill **Vacancies** in their own body, caused by death, resignation or removal from the state of New York, or otherwise, of trustee or trustees, and to make all such by-laws, not **By-laws.** consistent with the laws of this state, as they may deem for the management of the affairs of said asylum, shall appoint annually, by ballot, at least three weeks before such election of trustees of said asylum, three fit and interested persons, inspectors of the then next election of trustees, and at any time before the election, supply a vacancy which may occur in the office of any such officer. Five of the board of trustees shall constitute **Quorum.** a quorum for the transaction of business. All committees, **Committees, &c.** boards, agents or officers authorized by this act, or by the by-laws of this asylum, shall be appointed by the board of trustees. Each senatorial district of this state is entitled to one or more of the trustees of said institution, who shall reside in said district which he represents on the board of trustees. § 6, ch. 184, 1857, as amended by § 4, ch. 65, 1861.
31. No subscriber of this asylum shall be liable in his or her individual capacity for any contract, debt or engagement of said asylum, after the full amount of their subscription is paid in. § 7, ch. 184, 1857. **Liability of subscribers.**
32. Reuben H. Walworth, John W. Francis, William McCoun, James Boorman, James S. Wadsworth, S. Dickinson, Washington Hunt, Charles H. Ruger, Charles Cook, Josiah B. Williams, Hamilton Murphree, A. Lambert, William E. Dodge, Jonathan M. Johnson, Jacob S. Miller, Thomas C. Brinsmade, A. W. Olcott, John F. Rathbone, Ransom Balcom, Wm. D. Phelps, Vincent Whitney, Allen Munroe, J. Alexander, Joseph Mullen, C. P. Wood, Noah L. Franklin Johnson, George Folsom, Charles Buttenzo Draper, Edward F. Shonnard, Gerrit Smith, Conklin, Frederick Juliard, Tracy Beadle, Peter W. North, George W. Tift, Henry A. Brewster, J. Doolittle, and J. Edward Turner, shall constitute the first board of trustees of this institution. Any vacancy which hereafter occur in the board of trustees of said institution shall be filled by the remaining trustees at a meeting duly called for that purpose. § 5, ch. 381, 1857. **Board of trustees.**
33. The senate, upon recommendation of the governor for cause to be specified, may remove any trustee of the asylum. § 6, same ch. **Trustees may be removed.**
34. The election of the trustees of the New York Inebriate Asylum shall be held on the first Wednesday in June of each year, at the office of the institution. **Election of trustees, when to be held.**

held; who to vote thereat.	tion, at ten o'clock A. M. The said trustees shall be elected by ballot, by plurality of subscribers present, or represented by proxy, each and every subscription of ten dollars paid having one vote. Three fit and disinterested persons shall be appointed by the board of trustees, three weeks previous to each election of trustees of said asylum, inspectors of the next election. The said board of trustees annually from their own body shall elect by ballot a president and treasurer of said asylum, on the first Wednesday of June in each year, at eleven o'clock A. M. The annual meeting of the board of trustees of said asylum shall be held on the first Wednesday of June in each year, at the office of the institution, at eleven o'clock A. M. § 4, ch. 65, 1861.
Inspectors of election.	
Election of president and treasurer. Annual meeting of trustees.	
Powers.	§ 1835. Said institution shall have power to receive and retain all inebriates who enter said asylum either voluntarily or by the order of the committee of any habitual drunkard. All poor and destitute inebriates who are received into said asylum shall be employed in some useful occupation in or about the said asylum; said inebriates shall have all moneys accruing from their labor, after the expenses of their support in said asylum shall have been paid, which shall be sent to their families, monthly; if said inebriates have no families, it shall be paid to him or her at their discharge from said institution. § 9, ch. 184, 1857.
Occupation of poor patients.	
Moneys.	
Committee of persons of habitual drunkards may commit to the asylum.	§ 1836. The committee of the person of any habitual drunkard, duly appointed under existing laws, may, in his or their discretion, commit such habitual drunkard to the custody of the trustees or other proper officers of said asylum, there to remain until he shall be discharged therefrom by such committee. § 10, same ch.
When judges may commit inebriate to asylum.	§ 1837. Any justice of the supreme court, or the county judge of the county in which any inebriate may reside, shall have power to commit such inebriate to the New York State Inebriate Asylum, upon the production and filing of an affidavit or affidavits by two respectable practicing physicians and two respectable citizens, freeholders of such county, to the effect that such inebriate is lost to self-control, unable, from such inebriation, to attend to business, or is thereby dangerous to remain at large. But such commitment shall be only until the examination now provided by law shall have been held, and in no case for a longer period than one year. § 4, ch. 266, 1865.
See ante. §§ 1608-1618.	
Police-men to asylum to be appointed; their duties.	§ 1838. The board of trustees of the New York State Inebriate Asylum are hereby authorized to appoint two or more of the attendants and employees of said asylum as policemen, whose duty it shall be, under the order of the superintendent or assistant superintendents, to arrest and return to the asylum such inebriates who have been sent to the asylum by the order of the court, and who
Inebriates may be arrested.	

have escaped from the asylum, or to arrest any patient who shall violate any law of the asylum. § 1, ch. 673, 1866.

§ 1839. No person shall sell or give away any strong or spirituous liquors, or wines, or fermented liquors, or opium, or tobacco to any patient belonging to the New York State Inebriate Asylum. § 1, ch. 266,* 1865. Liquor forbidden to be sold to inmates

§ 1840. Whoever shall sell or give away any strong or spirituous liquors, or wines, or fermented liquors, or opium, or tobacco to any patient belonging to the New York State Inebriate Asylum, shall forfeit fifty dollars for each offense, and shall also be guilty of a misdemeanor. § 2, same ch. Penalty for selling, &c., liquor to inmates

§ 1841. All penalties imposed by this act shall be sued for and recovered in the name of the president of the New York State Inebriate Asylum, and shall be paid into the state treasury. § 3, ch. 226, 1865. Penalties, how recovered.

§ 1842. The treasurer of each and every county of this state shall pay to the treasurer of the New York State Inebriate Asylum, or his order, on the first Monday of July of each year, ten per cent of all the moneys received by said county treasurer from the board of commissioners of excise in and for said county. § 1, ch. 381, 1859. Excise money to be paid to asylum. See ante, ch. 173, 1870. §§ 1526-1564.

§ 1843. The land situated in Binghamton, in the county of Broome, selected by the trustees of said asylum for the site of the asylum buildings, shall be the site thereof, and the acts of the trustees in selecting and fixing said site are hereby confirmed. § 2, same ch. Site for building.

§ 1844. The trustees of said asylum shall expend the said moneys in completing the asylum building commenced on said land, and such other buildings and improvements as shall be required for the comfort and convenience of the patients. § 3, same ch. How money to be expended.

§ 1845. The treasurer of said asylum shall not receive any of said moneys until after he shall have given a bond, with at least two sufficient sureties, to the New York State Inebriate Asylum, in such penalty and upon such condition as the board of trustees, at a monthly meeting thereof, shall fix by resolution, and the sufficiency of such sureties shall be approved of by the president or vice-president of said board. § 4, same ch. Treasurer to give bonds.

§ 1846. The board of trustees of said asylum shall make an annual report on the third Wednesday of January of each year, in detail, of their proceedings, income, expenditures, the number of patients admitted, discharged and remaining in said institution, verified by the affidavit of the Annual report.

* "An act for the better regulation and discipline of the New York State Inebriate Asylum," passed March 31, 1865; three-fifths being present. This chapter supersedes chapter 166 of the laws of 1864, entitled "An act for the better regulation and discipline of the New York State Inebriate Asylum," passed April 15, 1864.

	president and treasurer, which report shall be filed in the office of the secretary of state. § 11, ch. 184, 1857.
Duration of charter.	§ 1847. This act shall continue in force for the period of fifty years, subject, however, to amendments and repeal by the legislature, and at the dissolution of said institution, the asylum and the grounds attached thereto shall be ceded to the state of New York, to be used by said state for some benevolent institution. § 12, same ch.
Grounds and asylum.	§ 1848. The trustees of the New York State Inebriate Asylum shall have power to issue bonds to the amount of sixty thousand dollars. The payment of said bonds shall be secured by a pledge of all the lands and buildings belonging to the said New York State Inebriate Asylum.
Trustees shall have power to issue bonds, &c.	The said bonds shall be issued for the period of ten years, and said bonds shall draw seven per cent interest, payable semi-annually in the city of New York. Each bond shall be signed by the president or vice-president, and treasurer of said asylum. No bond shall be issued for a less sum than one hundred dollars, or for a greater sum than five thousand dollars. No bond shall be sold by the said asylum for less than par value. All moneys which shall arise from the sale of said bonds shall be expended in the building of said asylum. § 1, ch. 65,* 1861.
How issued.	§ 1849. If the said inebriate asylum shall fail to pay the interest on said bonds semi-annually, or neglect to pay the said bonds at maturity, then any owner or owners of said bonds may, by action in the supreme court, foreclose the same in the same manner as in the case of foreclosures of mortgages upon real estate, by the sale of said lands and buildings. § 2, same ch.
Not to be sold less than par.	§ 1850. Duplicates of all bonds issued in pursuance of the foregoing section shall be filed with the clerk of the county in which said asylum is located, and when thus filed shall be a mortgage-lien upon the corporate property of said asylum. No bond owner shall have any priority over any other bond owner, but shall share alike in all the property of said asylum, provided the said asylum shall fail to pay interest on said bonds or principal when due. § 3, same ch.
Neglect to pay said bonds.	§ 1851. All acts or parts of acts inconsistent with this act are hereby repealed. § 6, same ch.
Foreclosure of them.	
Duplicate bonds to be filed, and to be a lien.	
No priority of lien between bond holders.	
Repeal.	

* "An act for the relief of the New York State Inebriate Asylum, and for other purposes." Passed March 21, 1861

CHAP. LXXIV.

ATING TO EMIGRANT, PASSENGERS,
OMMISSIONERS OF EMIGRATION, AND
JTIES OF SUCH COMMISSIONERS, AND
ARANTINE.

ARTICLE ONE.

grants and Commissioners of Emigration, and the
ties of such Commissioners. Sections 1852-1922.

ARTICLE TWO.

arantine. Sections 1923-1984.

ARTICLE ONE.

RANTS AND COMMISSIONERS OF EMIGRATION, AND THE
DUTIES OF SUCH COMMISSIONERS.

- ON 1852. Masters of vessels within twenty-four hours after arriving in port must report to mayor of New York name, age, &c., of each passenger; penalty for neglect to make report or for making false report.
- 1853. Bond required of owners or consignees of such vessels; how and when and upon what terms such bond may be commuted for.
- 1854. Amount prescribed for such commutation; how such amount disposed of by commissioners of emigration, a part thereof to be divided between the several counties except the county of New York.
- 1855. Condition of passengers to be examined into by commissioners of emigration, and their authority in respect thereto in boarding vessels; duties of such commissioners on their discovering deaf, dumb, blind, lunatics, or other passengers likely to become a public charge.
- 1856. Cities, towns and counties, who to be deemed persons chargeable on.
- 1857. Penalty, owner or consignee refusing to give bond or commute, liable to; amount of such penalty, and how to be recovered.
- 1858. Bond, time in which owner or consignee to give, shortened.
- 1859. Bond, when action may be brought thereon; amount of recovery.
- 1860. Suits for penalties and forfeitures, how and where to be brought; commissioners authorized to compromise.
- 1861. Property of certain emigrants dying, how to be disposed of.

RELIEF OF THE POOR.

- SECTION 1862. Commissioners of emigration, who to be and who to be ex officio such commissioners; term of office of such commissioners; their powers and duties; vacancies, how to be supplied; governor, when to appoint commissioners.
1863. How to be known; may sue and be sued, &c.
1864. Cities, towns or counties, duties of commissioners when emigrants become chargeable to.
1865. Agents, clerks and servants, commissioners authorized to employ.
1866. Report by New York chamberlain to be made annually or oftener to commissioners.
1867. Report by commissioners to be made annually to legislature under chapter 195, 1847.
1868. Bastards and other poor children, commissioners' authority in respect thereto.
1869. Indigent and certain other persons, duties of captain, agent, owners and consignees of vessel in respect to such persons.
1870. Penalties for violating provisions of section 1869.
1871. Binding out children and administering oaths, powers of commissioners in.
1872. Report by commissioners under chapter 244, 1853, to be made annually to legislature.
1873. Each commissioner of emigration empowered to examine witnesses on oath on complaint of treatment of passenger, but to entitle such examination to be read on trial it shall be had in presence of the person complained of; right of accused to cross-examine.
1874. Commissioners to reduce testimony to writing, certify the same, and file it with New York county clerk.
1875. Clerk to make and deliver certified copies on payment of fees.
1876. Such depositions and certified copies to be evidence.
1877. To entitle such depositions to be taken, commissioners to cause notice to be given, which notice and proof of service there to be attached to deposition; adjournments of examination.
1878. The commissioners of emigration to procure docks and piers for the exclusive use of landing emigrants.
1879. Shipmasters, owners and consignees to cause alien passengers and their baggage to be landed on such piers; commissioners to make regulations.
1880. Where passengers to be landed.
1881. Passengers not to be removed from vessels at quarantine, except for quarantine regulations.
1882. Explanatory of sections 1880 and 1881.
1883. Penalty for violating provisions of act.
1884. Penalties to be lien on vessel.
1885. Landing from steamboats or other vessels
1886. Inconsistent acts repealed.
1887. Keepers of boarding-houses for emigrants to be licensed; rates of prices to be kept posted in their public rooms.
1888. No lien on effects of emigrant boarder, except for such prices; complaints for violation of this section.

EMIGRANTS.

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SECTION 1889. Persons not licensed restrained from soliciting emigrants; license to be granted and revoked; bond to be given; badge to be worn by person licensed; penalty for violating provisions of act; how bonds are to be prosecuted.

1890. Agents to advise and caution emigrants.

1891. Commissioners of emigration to designate places for sale of railroad and steamboat passage tickets; proviso; agents for sale of such tickets may be authorized to sell at such places designated, and may, in certain cases, be excluded from selling.

1892. Duties of magistrate in case of arrests under this act; depositions to be taken and filed, and when may be read on trial of accused parties.

1893. Violations of act a misdemeanor, and persons convicted, how punished.

1894. Agents for booking emigrant passengers to be licensed; lists of prices and fares to be posted in their offices; penalties for frauds.

1895. Public officers not to solicit business for transportation lines, or to be concerned in forwarding emigrants.

1896. Penalties, how to be sued for.

1897. Commissioners, on oath, to make annual report to the legislature.

1898. Provision in case of a deficiency of funds.

1899. Penalty for selling tickets to emigrant passengers beyond a certain fixed rate.

1900. Penalty for fraudulently obtaining passage tickets from passengers, &c.

1901. Penalty for selling tickets over regular price advertised by company.

1902. Runner not to enter ship before landing of passengers; penalty; misdemeanor.

1903. Penalty, when may be remitted.

1904. Saving clause.

1905. Inconsistent acts repealed.

1906. Companies and persons undertaking to transport by railroad, &c., emigrant second-class passengers, from certain places, to deliver to mayors of certain cities statements of rates of fare and price per hundred pounds for carriage of luggage; statement to contain description of routes, &c.; statement of changes in rates to be delivered to mayors.

1907. What the tickets or certificates issued are to contain.

1908. Unlawful to bargain for or receive greater price than that contained in statements delivered to mayors, or rates fixed by proprietors of lines; emigrants over four years of age to be furnished with certain seats.

1909. Penalty for violating the provisions of the two last sections.

1910. Duty of magistrate issuing warrant for apprehension of persons violating provisions of section 1908; proceedings to be had.

1911. Commissioners to designate places for landing emigrant passengers.

1912. To purchase, lease and construct wharves for accommodation of emigrant passengers.

RELIEF OF THE POOR.

SECTION 1913. Duty of health officer; penalty for violating provisions of this section; penalty a lien on vessels.

1914. Inconsistent acts; repeal of.

1915. Commissioners authorized to grant and revoke licenses to persons conveying to any dock, &c., in the city of New York, emigrant passengers from ships in which they arrive.

1916. Unlawful to remove passengers unless license granted, &c.

1917. Penalties for violating provisions of act; penalties a lien on vessel; proceedings to be had.

1918. Personal luggage, where landed; penalty for violating provisions of this section; penalty a lien, and how to be enforced.

1919. Existing laws concerning health officer of New York, &c.

1920. Unclaimed baggage, when to be sold, and how proceeds of sale to be disposed of.

1921. Effect of inconsistent provisions of this act.

1922. Commissioners authorized to make rules for any institution which they may support, and for employment of inmates thereof.

Masters of vessels to make a report of passengers.

What report to contain.

§ 1852. Within twenty-four hours after the landing of any passenger from any ship or vessel arriving at the port of New York, from any of the United States other than this state, or from any country out of the United States, the master or commander of the ship or vessel from which such passenger or passengers shall have been landed, shall make a report in writing, on oath or affirmation, to the mayor of the city of New York, or in case of his absence, or other inability to serve, to the person discharging the duties of his office, which report shall state the name, place of birth, last legal residence, age and occupation of every person or passenger who shall have landed from such ship or vessel on her last voyage to said port, not being a citizen of the United States, and who shall have, within the last twelve months, arrived from any country, out of the United States, at any place within the United States, and who shall not have paid the commutation money, or been bonded according to the provisions of this act, or of the act hereby amended, or of the act of February eleventh, eighteen hundred and twenty-four, concerning passengers in vessels coming to the port of New York, nor paid commutation money under the provisions of this or any former act. The same report shall contain a like statement of all such persons or passengers aforesaid, as shall have been landed, or been suffered to land from any such ship or vessel at any place during such last voyage, or who shall have been put on board, or suffered to go on board of any other ship, vessel, or boat, with the intention of proceeding to and landing at the said city of New York, or elsewhere, within the

limits of this state. The said report shall further specify whether any of the said passengers, so reported, are lunatic, idiot, deaf, dumb, blind, infirm, maimed, or above the age of sixty years, also designating all such passengers as shall be under the age of thirteen, or widows having families, or women without husbands having families, with the names and ages of their families, and shall further specify particularly the names, last place of residences, and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residences of the owner or owners of such vessel. In case any such master or commander shall omit or neglect to report as aforesaid, any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any such person or passenger, or in respect to the owner or owners of any such vessel, or in respect to any of the particulars hereinbefore specified, such master or commander shall forfeit the sum of seventy-five dollars for every such passenger in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, for which the owner or owners, consignee or consignees, of every such ship or vessel shall also be liable, jointly and severally, and which may be sued for and recovered, as hereinafter provided. § 1, ch. 195, 1847, as amended by § 1, ch. 350, 1849, and § 3, ch. 523, 1851.

As to deaf, dumb, blind, &c., and lunatic passengers.

§ 1853. It shall be the duty of the said mayor or other person discharging the duties of his office aforesaid, by an indorsement to be made on the said report, to require the owner or consignee of the ship or vessel from which such persons were landed, to give a several bond to the people of the state, in a penalty of three hundred dollars for each and every person or passenger included in such report, such bond being secured as hereinafter provided, and conditioned to indemnify and save harmless the commissioners of emigration and each and every city, town or county in this state from any cost, which said commissioners, or such city, town or county, shall incur for the relief or support of the person named in the bond, within five years from the date of such bond, and also to indemnify and refund to the said commissioners of emigration, any expense or charge they may necessarily incur for the support or medical care of the persons named therein, if received into the marine hospital or any other institution under their charge. Each and every bond shall be secured by two or more sufficient securities, being residents of the state of New York, each of whom shall prove by oath or otherwise, that he is owner of a freehold in the state of the value of three hundred dollars over and above all or any claim or lien thereon, or against

Mayor to require bond from owner or consignee for each passenger.

Bond, how
commuted
for.

him, including therein any contingent claim which may accrue from or upon any former bond given under the provisions of this act, or such bond may, at the option of the party, be secured by mortgage of real estate, or by the pledge and transfer of public stock of the United States or of the state of New York, or of the city of New York, or by deposit of the amount of penalty in some bank or trust company; such security, real or personal, having been first approved by the said mayor. It shall be lawful for any owner or consignee at any time within twenty-four hours after the landing of such persons or passengers from any ship or vessel in the port of New York, except as in the section hereinafter provided, to commute for the bond or bonds so required, by paying to the health commissioners of the city of New York, the sum of [two]^a dollars and fifty cents for each and every passenger reported by him as by law required; the receipt of such sum by said health commissioners shall be deemed a full and sufficient discharge from the requirements of giving bonds as above provided. The said health commissioner is hereby required to pay over daily the said money with an account thereof to the chamberlain of the city of New York. But no owner or consignee shall be authorized to commute for the bond so required for any passenger arriving in the port of New York, between the first day of December and the fifteenth day of April, who may be sent to the Marine hospital from shipboard by the health officer, or by the authority of the board of health of the city of New York, on account of illness from ship fever. The commissioners of emigration shall have authority to commute specially for any bond in such cases, at such rates and in such manner as shall appear to them equitable and proper. It shall be the duty of the health officer to report without delay to the commissioners of emigration, the names of all passengers sent by his order during the above-mentioned period from shipboard to the Marine hospital on account of illness from ship fever. For the duties performed by the health commissioner and named in this section, he shall be paid by the commissioners of emigration at the rate of seventeen hundred and fifty dollars per annum, and he shall be paid the remainder of his salary by the mayor, aldermen and commonalty of the city of New York. And at and after the expiration of the term of the present health commissioner, it shall be lawful for the commissioners of emigration to select for the performance of the duties named in this section and now performed by the commissioner of health, either the mayor of the city of New York, or the chamberlain.

^a "One dollar" omitted and "two dollars" inserted in place thereof. See next section.

berlain of said city, or the health commissioner, and the compensation for the performance of said duties shall be so much as such officer so selected and the commissioners of emigration may agree upon, and thereafter the salary of the health commissioner shall be fixed by the mayor, aldermen and commonalty of the city of New York, and paid from the treasury of said city. § 2, ch. 195, 1847, as amended by § 2, ch. 350, 1849, § 7, ch. 523, 1851, and § 3, ch. 808, 1869.

§ 1854. The amount for which the master, owner or owners, consignee or consignees of any ship or vessel bringing emigrants or passengers to the city of New York, may commute for any bond or bonds authorized or required by or pursuant to the seventh section of chapter five hundred and twenty-three of the laws of eighteen hundred and fifty-one, shall be two dollars and fifty cents for each and every such passenger, and fifty cents of the amount commuted for any passenger or passengers shall be set aside as a separate fund for the benefit of each and every county in this state, except the county of New York. The commissioners of emigration shall deposit the moneys of said fund so set apart in any bank that the said commissioners may select, and the same, or as much of it as may be necessary, shall be distributed to the several counties except the county of New York, once in every three months, and the balance that may be left after such three months' payment shall be paid over to the commissioners of emigration for the construction and improvement of their buildings and grounds. § 3, ch. 808,* 1869.

Rate of commutation for passengers upon bonds.

Separate fund set aside for counties outside of New York city.

Moneys, how deposited.

Distribution to counties.

Payment for construction of buildings, &c.

* The payment by the commissioners of emigration of the amounts payable or coming to any of the cities, towns or counties of this state, for any moneys paid out or expenses incurred previously to the first day of May next by any of them for the support or maintenance of any emigrant passengers, who may have arrived at the port of New York, and who, or on whose account a bond may have been given, or commutation under and pursuant to chapter one hundred and ninety-five of the laws of eighteen hundred and forty-seven or of any laws amendatory thereof, or in addition thereto, may be made by said commissioners, at any time within three years from the said first day of May, and not before, unless the said commissioners shall be in funds applicable thereto. In the payment of said claims, the said commissioners shall allow and pay to the said cities, towns and counties, interest upon the amounts severally due them; *provided, always*, that nothing herein contained shall postpone the payment to such cities, towns and counties respectively of the moneys which may have been appropriated for the reimbursement of said cities, towns and counties respectively by an act entitled "An act for the removal of the quarantine station," passed March sixth, eighteen hundred and fifty-seven, whenever such moneys may be realized; and *provided, also*, that the said sum of fifty cents mentioned in the thirteenth section of chapter two hundred and twenty-four of the laws of eighteen hundred and fifty-three shall be paid and distributed as provided in said act. § 1, ch. 678, 1857.

The commissioners of emigration are authorized to borrow from time to time such sums of money as may be needed for the support of the Marine hospital or for the reimbursement of the several cities or counties of this state, their expenses incurred for the support of emigrant paupers, or for any other expenditures as may be authorized by law to be made by the said commissioners; and to mortgage, for the securing the payment of the moneys so borrowed, any of the real estate held or purchased by the said commissioners for the people of this state, or which may hereafter be purchased by the commissioners. § 1, ch. 28, 1850.

Before executing any such mortgage, the commissioners of emigration shall present to the governor, comptroller and attorney-general, a statement

Commissioners to examine into the condition of passengers.

Lunatic, deaf and dumb passengers, &c.

Additional bonds when to be required, &c.

§ 1855. It shall be the duty of the commissioners of emigration hereafter named to examine into the condition of passengers arriving at the port of New York in any ship or vessel, and for that purpose all or any of the said commissioners, or such other person or persons as they shall appoint, shall be authorized to go on board and through any such ship or vessel, and if on such examination there shall be found among such passengers any lunatic, idiot, deaf, dumb, blind, maimed or infirm persons, or persons above the age of sixty years, or widow with a child or children, or any woman without a husband and with a child or children, or any person unable to take care of himself or herself without becoming a public charge, or who, from any attending circumstances, are likely to become a public charge, or who, from sickness or disease existing at the time of departure from the foreign port, are or are likely soon to become a public charge, they shall report the same to the said mayor particularly, and thereupon, and unless a bond, as required in the second section of this act, shall have been given, the said mayor, or the person discharging the duties of his office, shall require in the indorsement to be made as aforesaid, or in any subsequent indorsement or indorsements thereon, and in addition to the commutation money, that the owner or consignee of such ship or vessel with one or more sufficient sureties, shall execute a joint and several bond to the people of the state in a penalty of five hundred dollars for every such passenger, conditioned to indemnify and save harmless the commissioners of emigration, and each and every city, town or county within the state, from any further cost or charge, which said commissioners, or any such city, town or county shall incur for the maintenance or support of the person or persons named in such bond, or any of them, within five years from the date of such bond. The sureties to the said bonds shall be required to justify before and to the satisfaction of the officer making such indorsement, and by their oath or affirmation shall satisfy such officer that

showing the reason of such loan and the intended application thereof, and a description of the real estate intended to be mortgaged; and no such mortgage shall be lawful unless a certificate of approval thereof shall be first given, signed by the governor, comptroller and attorney-general. Such certificate may be acknowledged or framed or worded in the manner by him provided in respect to conveyances of real estate. Every such mortgage shall be executed by a majority of the commissioners. § 2, same ch.

The moneys so borrowed shall in no case be a claim against the state, but shall be repaid out of the surplus funds received by the commissioners, or from the proceeds of the lands mortgaged. § 3, same ch.

The commissioners of emigration are hereby authorized and empowered, by and with the consent and approval of the governor, comptroller and attorney-general, to sell or exchange and give conveyances for any lands, or any portion thereof, which have been or may hereafter be purchased by them as such commissioners. § 4, ch. 523, 1851.

The annual compensation of the chaplains of the Marine hospital, now located on Staten Island, shall hereafter be six hundred dollars each, in lieu of all other compensation to said chaplains now provided by law Ch. 515, 1857.

they are respectively residents of the state of New York, and worth double the amount of the penalty of such bond over and above all debts, liabilities, and all property exempt from execution. The subsequent indorsement authorized in this section may be made at any time within thirty days after such examination, or of the landing of any such person or passenger. § 3, ch. 195, 1847, as amended by § 4, ch. 523, 1851.

§ 1856. The persons hereafter becoming chargeable upon any city, town or county within this state, for the payment of any expense of whose maintenance and support incurred by any such city, town or county, it is made the duty of the commissioners of emigration to provide by the "Act concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, or any act amendatory thereof, shall be deemed and taken to include all persons otherwise within the description and provisions of such act or acts, who are or shall become the inmates of any almshouse, lunatic asylum, work-house, hospital, nursery, house of refuge, asylum for juvenile delinquents, house of correction, penitentiary, jail, bridewell or prison, under commitment, sentence or conviction, by an officer or officers, court or magistrate, under any law of this state, as vagrants or disorderly persons. Ch. 426, 1855.

Persons chargeable upon city, town or county, are deemed to include inmates of prisons, almshouses, &c. See ante, § 1854.

§ 1857. If any owner or consignee as aforesaid shall refuse or neglect to give any such bond or bonds as hereinbefore required, according to the second section of this act, for each person or passenger landing from his ship or vessel [within twenty-four hours] after the landing of such persons or passengers, or shall not within that time have paid the moneys authorized by said second section to be received in cases where such bonds are herein authorized to be commuted for, or shall refuse or neglect to give the bonds required by the third section of this act to be given in certain cases, on the requirement of the mayor of the city of New York, or other person discharging the duties of his office, made according to the provisions of said section, [within twenty-four hours] after such requirement being so made; every such owner or consignee of such ship or vessel, severally and respectively, shall be subject to a penalty of five hundred dollars for each and every person or passenger on whose account such bond may have been required, or for whom such commutation money might have been paid under this act; such penalty to be sued for as provided for in the twelfth section of the said act hereby amended. In every case where any fine, penalty or forfeiture shall be incurred by the owner or owners, consignee or consignees, master or commander of any vessel arriving at the port of New York, under any of the provisions of the

Refusing to give bond.

acts concerning passengers coming to the city of New York, passed fifth May, eighteen hundred and forty-seven, and of this act, by reason of their neglect or refusal to give the bonds or any of them, required by law, the consignee of such passengers, in relation to whom such neglect or refusal shall have occurred, shall be liable to the same penalties, and may be sued and recovered against in the same manner as is by law provided in relation to the owner or owners, consignee or consignees of the vessel. § 5, ch. 350, 1849, as amended by § 2, ch. 339, 1850, and modified by § 1, ch. 224, 1853.*

Bonds.

§ 1858. The time allowed by the second section of chapter three hundred and thirty-nine of the laws of eighteen hundred and fifty, to any owner or owners, consignee or consignees of any ship or vessel bringing emigrants or passengers to the city of New York, for giving the bond or bonds first mentioned in said section, or paying the money also therein mentioned, shall henceforth be twenty-four hours instead of three days from the landing of said passengers; and the time allowed by the said section to the said owner or owners, consignee or consignees of any such ship or vessel, for giving other bond or bonds mentioned in said section, shall be twenty-four hours instead of six days from the making of the requirement for such last-mentioned bond or bonds. § 1, ch. 224, 1853.

Provision
in case a
person be-
comes
chargeable
to a city or
town.

§ 1859.* If any person for whom a bond shall have been given as aforesaid shall, within the time specified in such bond, become chargeable upon any city, town or county of this state, or upon the moneys under the control of the

* The penalties and forfeitures prescribed in and by this act may be sued for and recovered, with costs of suit, by and in the name of the said commissioners of emigration in any court having cognizance thereof, and when recovered shall be applied to the support of such Marine or other hospital for quarantine purposes as specified in this act. It shall be lawful for the said commissioners, before or after suit brought, to compound or commute for any of the said penalties or forfeitures upon such terms as they shall think proper; also to commute and compound with the owner or consignee of any ship or vessel for any such bond or bonds as are required in section three of this act to be given by such owner or consignee for such persons or persons, passenger or passengers, as have been paupers in any other country or whom, from sickness or disease existing at the time of departure from the foreign port, are or are likely soon to become a public charge, or who shall be sent to the Marine or other hospital for quarantine purposes in accordance with the provisions of this act. In consequence of sickness or disease existing at the time of departure from the foreign port, the commutation for said last-mentioned bond or bonds to be fixed by said commissioners at such sum as they shall deem just and equitable, and sufficient to defray the necessary expenses consequent upon the care, support and maintenance of the persons for whom such commutation shall be paid, during the existence and continuance of their then sick or diseased state. § 21, ch. 339, 1850.

Any ship or vessel, whose master or commander, owner or owners, shall have incurred any penalty or forfeiture under this act (ch. 195, 1847), or under the act of 11th April, 1849 (ch. 350, 1849), amending the same, entitled "An act to amend certain acts concerning passengers coming to the city of New York," shall be liable for such penalties or forfeitures which may be a lien upon such ship or vessel, and may be enforced and collected by warrant of attachment in the same manner as is provided in title eight of chapter eight of the third part of the Revised Statutes, all the provisions of which title shall apply to the forfeitures and penalties imposed by this act; and the said commissioners of emigration shall, for the purposes of such attachment, be deemed creditors of such ship or vessel, and of her master or commander and owner or owners respectively. § 13, ch. 195, 1847, as amended by § 1, ch. 339, 1850.

said commissioners as aforesaid, the said commissioners may bring an action on such bond in the name of the people of this state, and shall be entitled to recover on such bond from time to time so much money, not in the whole exceeding the penalty of such bond, exclusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town or county, or the said commissioners, for the maintenance and support of the person for whom such bond was given as aforesaid, and shall be authorized to collect and apply such money from any of the real or other security mortgaged, pledged or deposited therefor in conformity to this act. § 4, ch. 350, 1849.

§ 1860.* The penalties and forfeitures prescribed by this act may be sued for and recovered, with costs of suit, by and in the name of the said commissioners of emigration, in any court having cognizance thereof, and when recovered shall be applied to the purposes specified in this act. It shall be lawful for the said commissioners before or after suit brought to compound for any of the said penalties or forfeitures upon such terms as they shall think proper. § 12, ch. 195, 1847.

Penalties,
how to be
sued for
and col-
lected.

§ 1861. Whenever any alien emigrant, whose personal property shall not exceed the value of twenty-five dollars, shall die on the passage to the port of New York, or in the Marine hospital, or in any other establishment under the charge of the commissioners, and in all cases in which minor children of alien passengers shall become orphans by their parents or last surviving parent dying as aforesaid, the personal property which such alien emigrant or such parent or parents may have had with them shall be taken in charge by the commissioners of emigration, to be by them appropriated for the sole benefit of the next of kin of such alien emigrant or of said orphan children; and said commissioners shall give, in their annual report to the legislature, a minute description of all cases in which property shall come into their possession by virtue of this section, and the disposition made of the same, unless it shall appear that there are other persons entitled, by will or otherwise, to such property or distributive share thereof. Whenever it shall so appear, the portion only to which the next of kin or said minors orphans would be legally entitled shall be transferred to them or applied to their use, and the remainder shall be received, held and distributed to the parties severally entitled thereto, in the same manner and with the same authority as by law provided in respect to the public administrator of the city of New York, except that the said commissioners are hereby authorized to distribute the same after a notice for cred-

Effects of
emigrants
dying.

* See note a, page 568.

itors to appear and put in their claims within one week from the publication of the said notice. The said notice shall be published once in one of the daily papers of the city of New York. § 5, ch. 483, 1847, as amended by § 3, ch. 339, 1850, and § 1, ch. 523, 1851.

Appoint-
ment of
commis-
sioners of
emigra-
tion.

Mayors of
Brooklyn
and New
York, and
presidents
of the
German
and Irish
emigra-
tion socie-
ties of
New York
to be ex
officio
such com-
mission-
ers.
Powers
and duties
of com-
mission-
ers, and
how their
successors
appointed.

Inconsist-
ent pro-
visions re-
pealed.

Their
powers.
28 N. Y.

§ 1862. Cyrus Curtiss, Isaac Bell, Richard O'Gorman, Willy Wallach, Chauncey M. Depew, James B. Nicholson, William R. Barr, Emanuel B. Hart and Edward F. Smith are hereby appointed commissioners of emigration for the purpose of carrying into effect the intent and provisions of an act entitled "An act^a concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven, and of the various acts supplementary to and amendatory thereof. The mayors of the cities of New York and Brooklyn, the president of the German Society of the city of New York, and the president of the Irish Emigrant Society of the city of New York, shall also severally, by virtue of their respective offices, be additional commissioners of emigration. All of said commissioners hereby appointed, and ex officio designated, shall possess all the powers and perform all the duties now devolved upon commissioners of emigration by virtue of the several acts aforesaid. The commissioners of emigration hereby first appointed as aforesaid shall hold their offices for the term of five years. Any vacancy occurring in their number by death, resignation or otherwise shall be filled by a vote of a majority of all the remaining commissioners of emigration, both appointed and ex officio. At the expiration of the term of five years herein designated to the commissioners herein first appointed, their successors shall be appointed by the governor, by and with the advice and consent of the senate, for the like term of five years, and as often thereafter as the full term shall expire. The terms of office of each of the commissioners of emigration now in office, except those holding ex officio and continued by this act, shall be terminated at the end of five days from the passage of this act, when the commissioners of emigration hereby appointed shall take their places, and enter upon their terms of office provided as aforesaid. § 1, ch. 384,^b 1870. All acts and provisions of law inconsistent with the provisions of this act are hereby repealed. § 2 same ch.

§ 1863. The said commissioners shall be known as the "Commissioners of Emigration," and by that title shall be

^a Ch. 185, 1847.

^b An act to appoint and designate commissioners of emigration, and to amend an act entitled, "An act concerning passengers in vessels coming to the city of New York," passed May five, eighteen hundred and forty-seven, and of the various acts supplementary thereto and amendatory thereof. Passed April 26, 1870; three-fifths being present.

able of suing and being sued. The money so as aforesaid to be paid to the chamberlain of the city of New York shall be paid out on the warrant of said commissioners, a majority of them. It shall be the duty of the said commissioners to provide for the maintenance and support of such of the persons for whom commutation money shall have been paid as aforesaid, or on whose account bonds shall have been taken as aforesaid, as would otherwise become a charge upon any city, town or county of the state; and the said commissioners shall appropriate the moneys aforesaid for that purpose, in such manner as to indemnify, so far as may be, the several cities, towns and counties of the state, for any expense or charge which may be incurred for the maintenance and support of the persons aforesaid; such appropriation shall be in proportion to the expenses incurred by said cities, towns and counties severally, for such maintenance and support. And the more fully to effect the object contemplated by this act, the said commissioners are authorized to apply, in their discretion, any part of the said money to aid in removing any of said persons from any part of this state to another part of this or any other state, or from this state, or in assisting them to procure employment, and thus prevent them from becoming a public charge. The said commissioners are also authorized, in their discretion, to apply any part of the said moneys to the purchase or lease of any property, or the erection of any building, which they may deem necessary for the purposes aforesaid. But any expense so incurred by the commissioners in any city, town or county, shall be charged to the share of such moneys which any such city, town or county shall be entitled to receive thereof, for expense incurred for the support or maintenance of the persons for whom commutation money shall have been paid as aforesaid, or whose account bonds shall have been taken as aforesaid. Part of § 4, ch. 195, 1847.*

§ 1864. In case any of the persons for whom commutation money has been paid as aforesaid, or for whom a

Commissioners to defray the

The following words contained in original section 4, chapter 195, 1847, are omitted:

Gullian C. Verplanck, James Boorman, Jacob Harvey, Robert B. Minturn, William F. Havemeyer and David C. Colden, are hereby appointed commissioners, for the purpose of carrying into effect the intent and provisions of this act, of whom the said Gullian C. Verplanck and James Boorman shall constitute the first class, and shall hold their office two years; the said Jacob Harvey and Robert B. Minturn shall constitute the second class, and shall hold their office four years; and the said William F. Havemeyer and David C. Colden shall constitute the third class, and hold their office for six years. Upon the expiration of their several terms of office, their places shall be filled by appointments, to be made by the governor, by and with the advice and consent of the senate, and the persons so appointed shall respectively hold their offices for the term of six years. The mayor of the city of New York, the mayor of the city of Brooklyn, the president of the German Society, and the president of the Irish Emigrant Society of New York, shall also severally, by virtue of their respective offices, be commissioners aforesaid." are omitted so as to conform the section to modifications made by sections 1 and 2 of chapter 204, 1870.

expenses
of towns
and cities
for emi-
grants
charge-
able, &c.

bond has been given as aforesaid, shall, at any time within five years from the payment of such money or the execution of such bond, become chargeable upon any city, town or county within this state, it shall be the duty of the said commissioners to provide for the payment of any expense incurred by any such city, town or county for the maintenance and support of any such person, out of the commutation money to be paid as aforesaid, and the moneys collected on such bonds so far as the same will enable them to do so. The said commissioners shall prescribe such rules and regulations as they shall deem proper, for the purpose of ascertaining the right and the amount of the claim of any city, town or county to indemnity under the provisions of this and the preceding section. The said commissioners shall have power to provide for the support and maintenance of any persons for whom commutation money shall have been paid, or on whose account a bond shall have been given as hereinbefore provided, and who shall become chargeable upon any city, town or county, in such manner as they shall deem proper; and after such provision shall have been made by such commissioners, such city, town or county shall not be entitled to claim any further indemnity for the support and maintenance of such person. § 5, ch. 195, 1847.

Agents to
be em-
ployed.

§ 1865. The said commissioners are authorized to employ such agents, clerks and servants as they shall deem necessary for the purposes aforesaid, and to pay a reasonable compensation for their services out of the moneys aforesaid. § 6, same ch.

Chamber-
lain to re-
port an-
nually.

§ 1866. The chamberlain of the city of New York shall, on the first Monday of January in every year, and at such other times as he shall be thereunto required by the said commissioners, report to them the amount of money received by him since his last previous report, for commutation money as aforesaid, and the amount of such moneys remaining in his hands. § 7, same ch.

Commis-
sioners to
report to
legisla-
ture.

§ 1867. The said commissioners shall annually on or before the first day of February, in each year, report to the legislature the amount of moneys received under the provisions of this act during the preceding year, and the manner in which the same has been appropriated particularly. § 8, ch. 195, 1847.

Commis-
sioners of
emigra-
tion, their
authority
in respect
to bastards
&c.

§ 1868. The commissioners of emigration, or any one or more of them, shall have and exercise the same powers and authority in relation to poor children, and in relation to children born or likely to be born bastards (where the mothers of such children born or likely to be born bastards are chargeable to, or receiving, or entitled to receive support or aid from said commissioners), as are now by

law conferred upon commissioners of public charities and correction, or were heretofore conferred upon or possessed by the governors or commissioners of the almshouse of the city of New York, or the commissioners of the almshouse and bridewell of the city of New York. § 1, ch. 382, 1865.

§ 1869. It shall be the duty of all captains, owners, agents and consignees of all ships or vessels arriving at the port of New York, having as a passenger any lunatic, idiot, deaf, dumb, blind, maimed, infirm or sick indigent person, or person above the age of sixty years, to keep, provide and care for such person in a proper manner on board of such ship or vessel, at the expense of such captain, owner, agent or consignee, until such person shall have been delivered over to and placed under the care of the commissioners of emigration. § 1, ch. 737, 1866.

Certain passengers to be provided for by masters of vessels.

§ 1870. Any person violating the preceding section of this act shall be liable to a penalty of five hundred dollars for each and every such violation, to be sued for by the commissioners of emigration. § 2, same ch.

Penalty for not.

§ 1871. The said commissioners of emigration are, and each of them is, hereby vested with the same powers in regard to the administering oaths of office to employees, and to the binding out of children with consent of parents or next of kin, actually chargeable upon them, and also in regard to persons in the institution, or any of them, under the charge of said commissioners, for the prevention or punishment of an infraction or violation of the rules or orders and regulations of such commissioners, or their officers, in regard to such institutions as are possessed by the governors of the almshouse in the city of New York, or any of them, for the same purposes; and the general agent or superintendent of the said commissioners, duly appointed and authorized by them, shall have the same power to administer oaths that the said commissioners, or any of them, may have by any law of this state. § 2, ch. 224, 1853, as amended by ch. 808, 1869.

Powers in regard to administering oaths, binding out children, &c.

Punishment for violation of rules, &c.

General agent may administer oaths.

§ 1872. The commissioners of emigration shall annually, on or before the first day of February in each year, report to the legislature the amount of moneys received under the provisions of this act, during the preceding year, and the manner in which the same have been appropriated; stating particularly in detail the sum of each appropriation, and the purposes for which the same have been made. § 3, ch. 244, 1853.

Annual report of commissioners of amount of moneys.

§ 1873. Each commissioner of emigration shall have power to administer an oath to, and examine under oath, any witness respecting any complaint made by any person relative to the ship in which any passenger was

Powers of commissioners of emigration to examine

witnesses, relative to treatment of passengers, food or drink furnished, and deaths on ships.

Examination, how conducted.

Depositions to be reduced to writing, and to be filed with county clerk.

Fee for filing same.

Fees of clerk, for copies of deposition.

Depositions, or certified copies thereof, to be evidence in certain actions.

Commissioners to notify owners or masters of vessels, before taking testimony.

Notice and affidavit of service to be attached to deposition.

Rights of owners, masters, &c., to cross-examine witnesses.

Adjournments. Docks, &c., may be leased or purchased for the use of emigrants.

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brought to the United States, or the treatment of any passenger during the voyage, or the food or drink furnished to any passenger on the voyage, or the death on the voyage of any passenger, but to entitle the same to be read upon the trial of any person accused of any crime or offense, such examination shall be made in the presence of the person complained of, who shall have a right to cross-examine every such witness. § 1, ch. 857, 1868.*

§ 1874. Such commissioner shall cause such testimony to be reduced to writing before him, and shall sign and certify the same, and shall deliver such depositions, so signed and certified, to the clerk of the county of New York, who shall file the same of record in his office, and shall enter a docket or minute of such filing, on payment of a fee of one dollar. § 2, same ch.

§ 1875. The said clerk shall deliver a certified copy of such deposition to any person applying for the same, upon payment of a fee of twenty-five cents for such certificate, and of five cents for every folio of one hundred words therein contained. § 3, same ch.

§ 1876. Such deposition and certified copies thereof shall be evidence in any action then or thereafter pending, between any of the passengers on such voyages and the said ship, or her owners, master or charterers, victualing, manning and navigating her for such voyage, upon any claim involving the facts therein testified to. § 4, same ch.

§ 1877. Before taking such testimony, such commissioners shall cause at least six hours' written notice thereof to the said vessel, her owners, master or charterers, to be served on the owners personally, or on the master personally, or by handing a true copy thereof to the person found in charge of such vessel. The said notice, with an affidavit of service, which may be made before such commissioner, shall be attached to the deposition; but such notice need not name the owner, master or charterer, and such owner, master or charterer, or their agent, may cross-examine said witness; but no examination shall be adjourned for more than twenty-four hours, unless by reason of sickness of such witness. § 5, same ch.

§ 1878. The commissioners of emigration are hereby authorized and empowered to lease or purchase suitable docks or piers in the city of New York, and to erect necessary inclosures thereon, and such docks and piers to be appropriated and set apart for the exclusive use of landing emigrants, alien passengers; but no docks or piers shall be purchased or leased without the approval and consent of the common council of said city, and the ex-

* An act for the more effectual protection of emigrants arriving at the port of New York, passed June 5, 1868; three-fifths being present.

of, not to exceed fifteen thousand dollars, shall of the moneys paid in pursuance of the pro- in act entitled "An act concerning passengers oming to the city of New York," passed May d be considered and charged as applied to the poses of said act. On application being made any steamboat or lighter proprietor who is a good moral character, and shall give good secu- m not exceeding five hundred dollars to com- e provisions of this act, the said commission- eby authorized and directed to grant licenses alien passengers and their baggage from vessels the port of New York subject to quarantine, passengers' docks at quarantine, to be landed grant piers or docks aforesaid; and the said ers shall have power to revoke the license of violating the provisions of this act. And ain of a steamboat or lighter not properly r such purpose pursuant to this section, who y any emigrant passengers from any such ves- be liable to a penalty of one hundred dollars nd every offense, to be recovered by the said ers of emigration. § 1, ch. 219, 1848.

It shall be the duty of every ship-master, owner e, bringing to the port of New York any alien steerage or second cabin passengers, in vessels : to quarantine, to cause the same with their : be landed on the emigrant piers aforesaid, tly from the vessel or by means of some steam- lighters licensed as aforesaid; and the landing on any other pier or wharf shall be punished ot less than one hundred dollars, which fine overed of the master, owner or consignee of or vessel. The commissioners of emigration empowered to make all necessary regulations ervation of order, and the admission to or ex- m said dock of any person or persons except- s are duly licensed, and any person violating a regulations shall be liable to a penalty of ed dollars for each and every offense, to be y the said commissioners of emigration. § 2, 48.

The owner or owners, consignee or consignees, mander or person having charge of any ship arriving at the port of New York, with pas- sigrating to the United States, shall land all agers on some one of the public wharves of New York, excepting, however, such wharves d or rented by or are under the control of any

Passen-
gers to be
landed on
the emi-
grant
piers.

Where
emigrant
passengers
to be
landed.

steamboat or railroad or forwarding company or line.
§ 1, ch. 218, 1853.

Passen-
gers not to
be re-
moved
from ves-
sels at
quaran-
tine.

§ 1881. No owner or owners, consignee or consignees, master, commander or person having charge of any such ship or vessel, shall order any such passengers to be taken or removed from such ship or vessel at quarantine or elsewhere, excepting for the purpose of quarantine regulations as to health, or shall give orders, or permit or allow any runner or person on behalf of or connected with any steamboat, railroad or forwarding company or line, or emigrant boarding-house, to solicit or book any such passengers, or to enter or go on board such ship or vessel prior to the landing of such passenger, as is provided for in the first section of this act. § 2, same ch., as amended by § 3, ch. 619, 1853.

Explanatory of the two last sections.

§ 1882. The first and second sections of this act (sections 1880, 1881) shall apply to the owner or owners, consignee or consignees, master, commander or persons having charge of any steamboat or other vessel employed for the purpose of conveying any passengers from quarantine. § 3, same ch.

Penalty for violating provisions of act.

§ 1883. Any consignee or consignees, master, commander or person having charge of any ship, steamboat or vessel, who shall violate any of the provisions of this act, and the owner or owners of such ship, steamboat or vessel, severally and respectively, shall be subject to a penalty of five hundred dollars for each and every violation of any of the provisions of this act, to be sued for and recovered, with costs of suit, by and in the name of the commissioners of emigration, in any court having cognizance thereof; and when recovered one-half of said recovery shall be paid to the person furnishing information and evidence of such violation, and the remainder of such recovery shall be applied and used by said commissioners of emigration for the purposes for which said commissioners are constituted. § 4, ch. 218, 1853.

Penalties to be liens on ship or vessel.

§ 1884. Any ship, steamboat or vessel, whose master, commander, owner or owners shall have incurred any penalty or forfeiture under the provisions of this act, shall be liable for such penalties or forfeitures, which shall be a lien upon such ship or vessel, and may be enforced or collected by warrant or attachment, in the same manner as is provided in title eight of the third part of the Revised Statutes, all the provisions of which title shall apply to the forfeitures and penalties imposed by this act; and the said commissioners of emigration shall, for the purpose of such attachment, be deemed creditors of such ship, steamboat or vessel, and of her master or commander and owner or owners respectively. § 5, same ch.



EMIGRANTS.

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Nothing in this act contained shall be construed to prevent the landing of such emigrant passengers on steamboats or other vessels, in the manner provided in section of this act (section 1878), in any case where a ship or vessel from which such passengers are to be unable to come to any such public wharf, each steamboat or other vessel shall be employed at the expense by the owner, consignee, master or commanding officer of the ship or vessel from which passengers are taken, for the purpose of landing the passengers in consequence of their inability to bring such ship to said public wharf; and the provisions of the last section of this act shall apply to such steamboat or vessel so employed. § 6, same ch.

Landing from steamboats or other vessels.

All acts and parts of acts inconsistent with this act are hereby repealed. § 10, same ch.

Repeal.

All persons keeping houses in any of the cities of this state for the purpose of boarding emigrants, shall be required to have a license for that purpose from the mayor of the city in which they are located, and such person so licensed shall give said city the sum of ten dollars per annum, and give bonds satisfactory to said mayor, with one surety, in the penal sum of five hundred dollars, for good behavior, and the proper conduct of all runners in their employ, and said mayor is authorized to revoke such license for cause. Every such boarding-house shall, under a penalty of five dollars, cause to be kept conspicuously posted in the parlors of such house, in the English, German, French and Welch languages, and printed upon cards, to be kept for distribution as hereinafter provided, a list of the rates of prices which will be charged for emigrants per day and week for board and lodging, and also the rates for separate meals, which card shall contain the name of the keeper of such house, together with the number and the name of the street in which such house is situated. The keeper of such house shall also file a copy of said list, in the city of New York, in the office of the commissioners of emigration, and in each of the cities of this state, with the mayor of said city or the agent of the commissioners of emigration; and the keeper of any emigrant boarding-house who shall refuse to post a list of rates, or to keep business cards as above provided, or who shall charge or permit or suffer to be charged or received for such keeper, or for any other person, any greater sum than according to the rates of prices so posted and contained on such business cards, and if any runner employed by such boarding-house keeper, or any emigrant

Persons keeping boarding-houses to take out license.

Notice in various languages to be put up in each house.

Copy thereof to be filed with commissioners of emigration.

boarding-house keeper himself, shall engage any emigrants as guests for such boarding-house without delivering to every such emigrant a printed business card as above provided, he shall, upon conviction thereof, be deprived of his or her license, and be punished by a fine not less than fifty nor more than one hundred dollars, to be recovered, in the city of New York by the commissioners of emigration, and in the other cities of this state by the mayors thereof; and any person who shall keep a boarding or lodging-house for emigrants within any of the cities of this state who shall refuse or neglect to obtain a license in pursuance of the provisions of this section shall, upon the first conviction, forfeit the penalty of one hundred dollars, and upon a subsequent conviction, shall forfeit the penalty of two hundred dollars, to be recovered by the persons and in the manner above set forth. § 3, ch. 219, 1848, as amended by § 1, ch. 432, 1849.

Restric-
tion as to
lien on ef-
fects of
emigrant
boarders.

§ 1888. No keeper of any emigrant boarding-house shall have any lien upon the baggage or effects of any emigrant, for boarding, lodging, storage, or any other account whatever, for any greater sum than shall be due from such emigrant for boarding and lodging according to the rates or prices so posted as above provided; and upon complaint being made upon oath before the mayor or any police magistrate of the city in which such boarding-house is located, that the luggage or effects of any emigrant are detained by the keeper of any emigrant boarding-house, under pretense of any lien upon such luggage or effects, or on any claim or demand against the owner or owners thereof, for any other or greater sum than in accordance with such rates, it shall be the duty of the officer before whom such complaint is made immediately to issue his warrant, directed to any constable or policeman of said city, commanding him or them to bring before him the party against whom such complaint has been made, and upon conviction thereof, the officer before whom such conviction shall be had shall cause said goods to be forthwith restored to the owner thereof, and the party so convicted shall be punished by a fine not less than fifty dollars, and not exceeding one hundred dollars, and shall be committed to the city prison until the said fine shall be paid, and until such luggage or effects shall be delivered to such emigrants. Any person so convicted shall have the right of appealing from the decision of such mayor or magistrate, to the same tribunals and in the same manner as is provided by law for appeals from the decisions of justices in civil cases, and all the provisions of law relating to appeals from justices shall apply so far as applicable to appeals from such mayor or other magistrate. But such appeal shall not authorize

Right of
appeal.

tention of such luggage or effects after the payment of the sum which such mayor or magistrate shall adjudge justly due from such emigrant. § 4, ch. 219, 1848, amended by § 1, ch. 321, 1849.

89. No person shall, in any city of this state, solicit or attempt to solicit passengers or their luggage for emigrant boarding-houses, passenger offices, forwarding transportation or for steamers, ships or vessels bound or about to proceed to any port not within this state; or for any person for any company selling or offering for sale, passage tickets, or contracting or offering to contract for passage in any such steamer, ship or vessel without a license for that purpose, which shall expire at the end of one year from this date; such license may be issued and refused in the discretion of the mayor of the city where the license may have been granted, except in the city of New York, in which such license may be issued or refused only by and in the discretion of the commissioners of emigration for cause, as hereinbefore provided. Such

Persons not licensed, restrained from soliciting emigrants for boarding-houses &c.

person receiving such license shall pay the sum of twenty dollars, and give a bond, with two sufficient sureties, in the sum of five hundred dollars, conditioned for the good behavior and the observance by him of the provisions of this act, to the mayor of the city issuing the same, or to the commissioners of emigration, as the case may be. The money thus received or collected on said bonds shall be for the benefit of said city, or of the emigrant fund.

Licenses to be granted and revoked.

Bond to be given.

Every person so licensed shall wear, in a conspicuous manner about his person, a badge or plate, of such character and in such time and manner as said mayor, or, in the city of New York, as such commissioners shall prescribe, containing the words "Licensed Emigrant Runner" inscribed thereon, with his name and the number of his license. No person who is not of approved good moral character shall be licensed as such runner. Every person who shall solicit or attempt to solicit alien emigrant passengers or others for the benefit of boarding-houses, passenger offices, or forwarding or transportation lines, or for any steamer, ship or vessel bound or about to proceed to any port not within the city of New York, or for any person or company selling or offering for sale passage tickets, or contracting or offering to contract for passage in any such steamship or vessel upon any street, lane, alley, or upon any dock, wharf, public highway, or in any other place within the corporate limits or jurisdiction of any city in this state, or upon any public highway, or in any other place within the corporate limits or jurisdiction of any city in this state, or upon any public highway, or in any other place within the corporate limits or jurisdiction of any city in this state, or upon any public highway, or in any other place within the corporate limits or jurisdiction of any city in this state, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county prison or jail not less than three months, nor exceeding one year. The bonds mentioned

Badge to be worn by person licensed.

Penalty for violating provisions of this act.

How
bonds are
to be sued.

in the foregoing sections may be sued by and in the name of the mayor of the city in which such license may have been issued, and in the city of New York by and in the name of the commissioners of emigration, in any court having cognizance thereof; and in case of a breach, the said mayor, or the said commissioners, shall recover the full penalty of said bond. § 5, ch. 219, 1848, as amended by § 4, ch. 579, 1857.

Persons
may be ap-
pointed to
board ves-
sels and
advise
emigrants.

§ 1890. The commissioners of emigration may, when in their opinion it shall seem necessary, appoint a proper person or persons, to board vessels from foreign ports at the quarantine ground or elsewhere in the port of New York, having on board emigrant passengers, for the purpose of advising such emigrants, and putting them on their guard against fraud and imposition; and the health officer is hereby required to prevent any person or persons from going on board such vessels, which may be subject to examination by him, until after the said person or persons appointed by the commissioners of emigration shall have had sufficient opportunity to perform their duty. § 6, ch. 219, 1848.

Commis-
sioners of
emigra-
tion to
designate
places for
sale of
tickets to
immig-
rants.

§ 1891. It shall not be lawful for any railroad company, or for any agent, employee or other officer of any railroad company, or for any other person, to sell, offer for sale, or otherwise dispose of any ticket or tickets or written or printed instruments, or instruments partly written and partly printed, for the transportation or conveyance on or by any railroad or steamboat, of any immigrant or deck or steerage or second class passenger, arriving at the port of New York from a foreign country, at any place or places in the city of New York, except such as may be designated by the commissioners of emigration; which place or places may from time to time, as they may deem best, be changed by the said commissioners, provided, however, that nothing herein contained shall prevent any railroad company from selling tickets to any persons at the rates of fare charged for first class passengers, nor from selling tickets at the principal ticket offices of such company to immigrants and other second class passengers, provided that such company has at the same time an agent who shall sell tickets at the place designated by the said commissioners for selling tickets to immigrants. The commissioners of emigration shall furnish every railroad company of this state desiring, such privilege to have an agent at each and every place so designated by them to sell tickets to immigrants and other second class passengers, but if any such agent shall be found by said commissioners to have been guilty at any time, while acting as an agent, of defrauding immigrants, or of any other wrongful or disgraceful

Railroad
companies
may sell
tickets to
immig-
rants at
principal
ticket
offices, in
certain
cases.

Railroad
companies
may desig-
nate
agent to
sell tickets
to immig-
rants.

Commis-
sioners of
emigra-
tion may

conduct, they shall exclude such agent, and it shall be the duty of the railroad company to appoint another agent in his place. § 1, ch. 793,* 1868.

exclude
agents
guilty of
fraud, &c.

§ 1892. Whenever any person or persons may be complained of, and arrested for violating any of the provisions of this act, or of any act for the benefit or protection of immigrants or passengers arriving at the port of New York, or about to depart therefrom, it shall be the duty of the magistrate before whom such complaint is made to take and reduce to writing, in the presence of the person or persons complained of, the evidence of any witness which may be offered, either on behalf of the prosecution or of the person complained of, allowing the opposing party an opportunity to cross-examine the witness, and the depositions so taken shall be subscribed respectively, by the witnesses making the same, and certified by the magistrate; and when so taken and certified the said depositions shall be filed in the office of the clerk of the court of oyer and terminer, in and for the city and county of New York; and upon the trial of any party accused, in whose presence any such deposition shall have been taken upon any complaint or charge made against him, relative to the same transaction, such deposition may be read by either party with the same effect as if the same witness were sworn, and his testimony taken in open court upon such trial, provided it shall appear thereby that the witness at the time the deposition was taken was a resident of this state, on his way to some other state, territory, province or country, or a resident of another state, territory or province, or an immigrant from a foreign country; and provided further, that it shall not be shown to the court that the witness at the time of the trial is within its jurisdiction. § 2, ch. 793, 1868.

Proceed-
ings in
cases of
arrests
under this
act.

Deposi-
tions to
be taken,
certified
and filed.

When de-
positions
may be
read on
trial of
accused
parties.

Proviso.

§ 1893. Any person violating any provision of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than three hundred and not more than one thousand dollars, or by imprisonment of not less than three months, or by both said fine and imprisonment. § 3, same ch.

Violations
of act to be
deemed a
misdre-
meanor.
How pun-
ished.

§ 1894. No person or persons shall exercise the vocation of booking emigrant passengers, or taking money for their inland fare, or for the transportation of the luggage of such passengers, without keeping a public office for the transaction of such business, nor without the license of the mayor of the city in which such office shall be located, for which shall be paid the sum of twenty-five

Agents or
persons
booking
emigrant
passengers
to keep an
office and
have li-
cence.

* An act relative to immigrants and other passengers arriving at or departing from the port of New York. Passed May 19, 1868; three-fifths being present.

luggage, shall, together with all other persons concerned in the violation of these provisions, be deemed guilty of a misdemeanor, and shall upon conviction be punished by confinement in the city or county prison, not less than six nor more than twelve months; and any person or company receiving money as aforesaid for the passage of emigrants, or for the transportation of their luggage, without such office and license, or who shall refuse admission as aforesaid to such office or place of weighing luggage during the time of transacting business therein, or who shall neglect to post the said list of rates as aforesaid, or who shall neglect or refuse to furnish a copy thereof as aforesaid, or who shall make any arrangement or engagement with any emigrant for his passage or transportation, or any runner or agent connected with or employed by such forwarding establishment make such engagement or arrangement without delivering to every such emigrant a printed card (in the language of the country to which said emigrant may belong) of prices or rates of fare which will be charged every emigrant for his passage or for transportation of his baggage or effects to the principal places on the route which he, the said emigrant, is about to travel, or every such keeper or owner or owners, or runner or runners connected therewith, or any licensed emigrant runner or runners, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by imprisonment in the county prison for a period not less than three nor more than six months. Licenses under this section may be revoked for cause, and no person shall be licensed under this section who is not of good moral character and a citizen of the United States. The commissioners of emigration are hereby authorized to employ such agents, clerks and servants as they shall deem necessary for the purposes aforesaid; and they shall appoint at least one agent in each of the cities of Albany, Rochester and Buffalo, and pay a reasonable compensation to such agents, clerks and servants for their services, out of the moneys aforesaid. § 7, ch. 219, 1848, as amended by § 1, ch. 432, 1849.

Punish-
ment.

Commis-
sioners
may em-
ploy
agents, &c

§ 1895. No person holding office under the government of the United States, or of this state, or of any of its cities, or who shall be in the employment of the commissioners of emigration, shall solicit custom for any transportation line, or shall be interested in any way, directly or indirectly, in the forwarding of emigrants, under a penalty of not less than one hundred dollars, and not exceeding three hundred dollars, to be sued for in the name of the people of this state, and which money, when collected, shall be paid into the county treasury, for the use of the poor of said county. § 8, ch. 219, 1848.

Restric-
tion as to
soliciting
custom
for trans-
portation
lines.

Penalties
to go for
use of the
poor.

Penalties,
how to be
sued for
and col-
lected.

§ 1896. The penalties and forfeitures prescribed by this act, except as is hereinbefore otherwise provided, shall be sued for and collected in the name of the people of this state, and applied in the same manner specified in the foregoing section, except so far as this act applies to the city of New York, where the same may be sued for and recovered, with costs of suit, before any court having cognizance thereof, by and in the name of the commissioners of emigration; and when so recovered shall constitute a part of the fund, and be disposed of in the same manner as commutation moneys now derived from emigrant passengers. § 9, same ch.

Commis-
sioners to
make an
annual
report
with an
affidavit.

§ 1897. The commissioners of emigration shall annually make and return to the legislature, with their annual report, an affidavit, in and by which they shall respectively swear or affirm, each for himself, to the correctness of such report, and that he hath not, directly or indirectly, been interested in the business of boarding emigrants, in the transportation of any emigrant passengers through any portion of the interior of this country, or had made or received, directly or indirectly, any gain, profit or advantage by or through the purchase of supplies, the granting of any contract or contracts herein, or licenses, privilege or privileges, or the employment of any officer, servant or agent, mechanic, laborer or other person in the business, under the control of said commissioners. § 10, ch. 219, 1848.

Provision
in case of
deficiency
of funds.

§ 1898. In case the moneys now appropriated by law for the support of the fever and small-pox hospitals at quarantine shall be exhausted during the recess of the legislature, the commissioners of emigration may use such portions of the commutation money, collected pursuant to act of May fifth, eighteen hundred and forty-seven, for the support of said hospitals, as the governor, attorney-general and comptroller may certify to be necessary for such purpose. § 11, same ch.

Selling
tickets to
emigrant
passen-
gers.

§ 1899. Any person who shall sell, or cause to be sold, a passage ticket, or order for such ticket, to any emigrant passenger, at a higher rate than one and a quarter cent per mile, or shall take pay for any ticket, or order for a ticket, under any false representation as to the class of said ticket, whether emigrant or first class, shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine of two hundred and fifty dollars and imprisonment in the county jail for not less than sixty days. § 7, ch. 218, 1853.

Fraudu-
lently ob-
taining
passage
tickets
from pas-
sengers.

§ 1900. Any person who shall, directly or indirectly, by means of false representations, purchase or receive from any emigrant passenger any passage ticket, or who shall procure or solicit any such passenger, having a pas-

sage ticket, to exchange the same for any other passage ticket, or to sell the same and purchase some other passenger ticket, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine and imprisonment. § 8, same ch.

§ 1901. Any person who shall sell or dispose of any ticket, or order for ticket or tickets, at a price or for a consideration beyond the highest price advertised for tickets by the company advertising at the highest price, published according to the provisions of this act or any other law, shall be, upon conviction thereof in any of the courts of this state, deemed guilty of a misdemeanor, and imprisoned therefor in one of the prisons of this state for a term of not exceeding two years. § 9, same ch.

Penalty for selling tickets over regular price advertised by company.

§ 1902. Any runner, or person acting for himself, or for and on behalf of or connected with any steamboat, railroad or forwarding company, or emigrant boarding-house, who shall solicit or book any passengers emigrating to the United States, and arriving at the port of New York, before such passenger shall have left the vessel in which he has so arrived, or who shall enter or go on board any ship or vessel so arriving with emigrant passengers, prior to the landing of such passengers therefrom, and also any person, company, or corporation having employed such person for the purpose of soliciting and booking such passengers prior to their leaving the vessel in which they may arrive, shall be severally subject to a penalty of one hundred dollars for each offense, to be sued for and recovered in the same manner, and subject to the same provisions of law, as enacted in respect to other penalties imposed by the several acts regulating the powers and duties of the commissioners of emigration. Any person violating the provisions of this section may also be indicted for a misdemeanor, which violation shall be held and taken to be a misdemeanor, and he shall, on conviction, be punished by fine not exceeding one hundred dollars, or imprisonment for sixty days. § 1, ch. 619, 1853.

Persons acting for themselves or others, not to enter emigrant ships before landing of passengers.

Penalty.

Misdemeanor.

§ 1903. In case of violation of the provisions of this act, or of the act hereby amended, whenever it shall be made to appear to any court having jurisdiction thereof, upon satisfactory evidence, that such violation was not intentionally committed, or with a view to the profit of the person committing the same, or for or on behalf of some owner, consignee or other person, nor by any culpable negligence, it shall then be lawful for the said court to remit or compound the penalty for such violation, on such terms as may in their judgment be just and equitable to all persons interested in the matter. § 2, same ch.

Penalty may be remitted, when.

Saving
clause.

§ 1904. Nothing in this act, or the act hereby amended, shall be taken or construed to prevent any passenger arriving at the port of New York, and not detained under the authority of the laws for the preservation of public health, from leaving the vessel in which he so arrives whenever and in any way he shall prefer, upon his personal request, or demand so to do, to the commander of such vessel. § 4, same ch.

Repeal.

§ 1905. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. § 5, same ch.

Compa-
nies and
persons
under-
taking to
transport
by rail-
road, &c.,
emigrant
second
class pas-
sengers
from cer-
tain places
shall de-
liver to
mayors of
certain
cities
state-
ments of
rate of
fare and
price per
hundred
pounds for
carriage of
luggage.

§ 1906. It shall be the duty of all companies, associations and persons hereafter undertaking to transport or convey, or engaged in transporting or conveying, by railroad, steamboat, canal boat or propeller, any immigrant, second class, steerage or deck passenger, from the city, bay or harbor of New York, to any point or place distant more than ten miles therefrom, or from the cities of Albany, Troy and Buffalo, the town or harbor of Dunkirk, or the Suspension Bridge, to any other place or places, to deliver to the mayors of the cities of New York, Albany, Troy and Buffalo, on or before the first day of April in each and every year, a written or printed statement of the price or rates of fare to be charged by such company, association or person, for the conveyance of such immigrant, second class, steerage and deck passengers respectively, and the price per hundred pounds for the carriage of the luggage, and the weight of luggage to be carried free of such passengers from and to each and every place from and to which such company, association or person shall undertake to transport and convey such passengers; and such prices or rates shall not exceed the prices and rates charged by the company, association or person after the time of delivering such statement to the said mayors, and such statement shall also contain a particular description of the mode and route by which such passengers are to be transported and conveyed, specifying whether it is to be by railroad, steamboat, canal boat or propeller, and what part of the route is by each, and also the class of passage, whether by immigrant trains, second class, steerage or deck passage. In case such companies, association or person shall desire thereafter to make any change or alteration in the rates or prices of such transportation and conveyance, they shall deliver to the said mayors, respectively, a similar statement of the prices and rates as altered and changed by them; but the rates and prices so changed and altered shall not be charged or received until five days after the delivery of the statement thereof to the said mayors respectively. § 1, ch. 474, 1855.

Statement
to contain
descrip-
tion of
route, &c.

Whenever
change in
rates state-
ment to be
delivered
said may-
ors.

What
tickets,

§ 1907. Every ticket, receipt or certificate which shall be made or issued by any company, association or person,

for the conveyance of any immigrant, second class, steerage, or deck passengers, or as evidence of their having paid for a passage, or being entitled to be conveyed from either or any of the points or places in the first section of this act mentioned, to any other place or places, shall contain or have indorsed thereon a printed statement of the names of the particular railroad or railroads, and of the line or lines of steamboats, canal boats and propellers, or of the particular boats or propellers, as the case may be, which are to be used in the transportation and conveyance of such passengers, and also the price or rate of fare charged or received for the transportation and conveyance of any such passenger or passengers, with his or their luggage. § 2, same ch.

Sec., issued to contain.

§ 1908. It shall not be lawful for any person or persons to demand or receive, or bargain for the receipt of any greater or higher price or rate of fare for the transportation and conveyance of any such immigrant, second class, steerage or deck passengers, with their luggage, or either, from either or any of the points or places in the first section of this act mentioned, to any other point or place, than the prices or rates contained in the statements which shall be delivered to the mayors of the cities of New York, Albany, Troy and Buffalo, and said commissioners respectively as in the said first section provided for, or the price or rates which shall be established and fixed for the transportation and conveyance of such passengers and their luggage, or either, by the proprietors or agents of the line or lines, or means of conveyance, by which such passenger or passengers and their luggage are to be transported or conveyed. In all cases, each immigrant over four years of age, conveyed by railroad, shall be furnished with a seat with permanent back to the same, and when conveyed by steamboat, propeller or canal boat, shall be allowed at least two and one-half feet square in the clear on deck. Such deck shall be covered and made water tight over head, and shall be properly protected at the outsides either by curtains or partitions, and shall be properly ventilated. § 3, ch. 474, 1855.

Unlawful to receive or bargain for greater price or rate than the price and rates contained in statements delivered to said mayors, or rates fixed by proprietors of lines.

Immigrants over four years of age, to be furnished seat with permanent back.

§ 1909. Any company, association, person or persons, violating or neglecting to comply with any of the provisions of the first or second sections of this act shall be liable to a penalty of two hundred and fifty dollars for each and every offense, to be sued for and recovered in the name of the people of this state; and every person violating any of the provisions of the third section of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, the person offending may be punished by a fine of two hundred and fifty dollars, or by imprisonment not

Penalty when provisions of first and second sections violated.

exceeding one year, or by both fine and imprisonment in the discretion of the court; one-half of which fines, when recovered, shall be paid to the informer, and the other half into the county treasury where the action shall be tried or the conviction had. § 4, same ch.

Duty of magistrates issuing warrant for apprehension of persons violating provisions of section 1908.

Proceedings to be had.

§ 1910. It shall be the duty of every magistrate who shall issue a warrant for the apprehension of any person or persons for violating the provisions of the third section of this act, within twenty-four hours after such person or persons shall have been taken and brought before him, to take the testimony of any witness who may be offered to prove the offense charged in the presence of the accused, who may, in person or by counsel, cross-examine such witness. The testimony so taken shall be signed by the witness, and be certified by the magistrate, and in case such magistrate shall commit the accused to answer the charge he shall immediately thereafter file the testimony so taken with the district attorney of the county in which the offense was committed, to be used on the trial of or any further proceedings against the accused; and the testimony so taken shall be deemed valid and competent for that purpose, and be read and used with the like effect as if such witness were orally examined on such trial or proceedings. After the testimony of any witness shall be so taken, he shall not be detained, nor be imprisoned or compelled to give any recognizance for his future appearance as a witness on any trial or proceeding thereafter to be had in the premises. § 5, ch. 474, 1855.

Commissioners to designate place for landing emigrant passengers.

Also, purchase, lease and construct wharves for accommodation of emigrant passengers.

Duty of health officer.

§ 1911. The commissioners of emigration shall from time to time designate some one place in the city of New York as they shall deem proper for the landing of emigrant passengers, and it shall be lawful for such passengers to be landed at such place so designated by the commissioners of emigration. § 6, same ch.

§ 1912. The commissioners of emigration shall have authority to purchase, lease, construct and occupy such wharves, piers and other accommodations in the city of New York as may be necessary for the accommodation of emigrant passengers for the purposes mentioned in the last preceding section. § 7, same ch.

§ 1913. The health officer shall give notice in writing to the owner or owners, consignee or consignees, master commander or person having charge of every vessel having emigrant passengers on board of such vessel, destined for the city of New York, to land such passengers and their personal baggage at such pier or place in the said city of New York as has been or may at any time be designated specially by the commissioners of emigration for the landing of emigrant passengers and their personal baggage; and it shall not be lawful to land such passen-

gers or their personal baggage at any other pier or place; and the owner or master of any vessel from which passengers or their personal baggage shall be landed in violation of the provisions of this section shall be subject to a penalty of fifty dollars for each and every person or his baggage so landed in violation thereof, which penalty shall be forthwith a lien on such ship or vessel, and may be, immediately upon such violation, sued for, enforced and recovered, with costs of suit, in the name of and by the commissioners of emigration, either by an action in any court having cognizance thereof, or by attachment under and pursuant to article first of title eighth, chapter eighth, of the first part of the Revised Statutes, for which purpose the said commissioners of emigration shall forthwith be creditors of such ship or vessel, and have a direct lien on such ship or vessel for said penalty; the said penalty, when recovered, to be applied and used by the said commissioners for the purposes for which said commissioners are constituted. § 8, ch. 474, 1855, as amended by § 6, ch. 579, 1857.

Penalty.
Penalty
a lien on
vessels.

§ 1914. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. § 9, ch. 474, 1855.

Repeal.

§ 1915. The commissioners of emigration are hereby authorized and required to grant and issue licenses, and the same from time to time, in their discretion, to suspend, revoke or annul, to the owner or captain of any steamboat, steam-tug, propeller or barge, used or engaged, or to be used or engaged, for the purpose, in whole or in part, of the removing, taking off, or conveying or transporting to any dock or pier in the city of New York, emigrant passengers or their baggage, arriving at and being in any part of the port of New York, within this state, from the ship or vessel in which such emigrant passengers or their luggage shall have arrived at such part of said port, provided, always, that such licenses shall not be suspended, revoked or annulled, except for cause, after opportunity for the party complained of to be heard. § 1, ch. 579, 1857.

Commissioners
authorized
to grant
licenses
and re-
voke the
same to
persons
carrying to
any dock
in city of
New York,
emigrant
passengers
from ships
in which
they ar-
rived.

§ 1916. It shall not be lawful for any steamboat, steam-tug, propeller, barge, or other boat or vessel, or the owner or captain or person having charge of the same, to go or be taken alongside of any ship or vessel having such passengers on board, being within this state, with the intent or for the purpose of removing, taking off, conveying or transporting, or to remove, take off, convey or transport any of such passengers, or the baggage of any such passengers, from such ship or vessel, being in this state, to any dock in the city of New York or Brooklyn, unless the license mentioned in the first section of this act shall

Unlawful
to remove
passengers
unless
license
granted
and not
revoked.

have been granted and issued to the then owner or then captain of such steamboat, steam-tug, propeller, barge, or other boat or vessel, and be then existing and not suspended, revoked or annulled. § 2, same ch.

Penalties
for violat-
ing provis-
ions of
this act.

§ 1917. The owner and owners, jointly and severally, and the captain or person having charge of any steamboat, steam-tug, propeller, barge, or other boat or vessel, violating the provisions of the second section of this act, or any of them, shall be liable to a penalty of five hundred dollars, for each and every violation thereof; and in case any of such passengers, or the baggage of any of them, shall be taken off or removed from such ship or vessel so being within this state, in or by any steamboat, steam-tug, propeller, barge, boat or other vessel, without the license aforesaid, with the intent or for the purpose mentioned in said second section of this act, or in violation of any of its provisions, except in case of shipwreck or imminent danger thereof, the owner or owners, jointly and severally, and the captain or person having charge thereof, shall, in addition to the above penalty, be also liable to a further penalty of fifty dollars for each and every passenger, and for the baggage of each and every passenger, so taken off or conveyed from such ship or vessel; which penalties shall be deemed and be forthwith a lien on such steamboat, steam-tug, propeller, barge, boat or other vessel, and may be, immediately upon such violation, sued for, enforced and recovered by and in the name of the commissioners of emigration, either by an action in any court having jurisdiction thereof, or by an attachment under and pursuant to article first of title eight of chapter eight of first part of the Revised Statutes, for which purpose the said commissioners shall forthwith be deemed to be, and be creditors of such steamboat, steam-tug, propeller, barge, boat or vessel, and have a direct lien thereon. § 3, ch. 579, 1857.

Penalties
a lien.

Proceed-
ings.

Personal
baggage,
where
landed.

Penalty
for violat-
ing provis-
ions of
this sec-
tion.
Penalty a
lien, how
to be
enforced.

§ 1918. All personal baggage of emigrant passengers arriving at the port of and destined for the city of New York, shall be landed at the place or pier designated as the landing place in said city for emigrant passengers; and the captain, owner and consignees of every ship or vessel arriving at said port with emigrant passengers destined for said city, shall be jointly and severally subject and liable to a penalty of fifty dollars for each and every emigrant passenger, or his personal baggage, landed at any place or pier other than the place or pier aforesaid: which penalty shall be a lien upon such ship or vessel, and may be enforced and recovered by and in the name of the commissioners of emigration, either by an action or by and in the name of the commissioners of emigration, either by an action or by warrant of attachment,

under and pursuant to article first of title eight of chapter eight of the first part of the Revised Statutes. § 5, same ch.

§ 1919. Nothing in this act contained shall be so construed as to alter, impair or modify the existing laws and regulations regarding quarantine* or concerning the powers given to, and duties imposed upon, the health officer of the port of New York for the protection of the public health. § 7, same ch.

Existing laws concerning health officer of New York, &c.

§ 1920. The commissioners of emigration are hereby authorized and required to sell at public auction, to the highest bidder, all unclaimed baggage, goods or other personal property of emigrant passengers arriving in vessels at the port of New York, one year after the same shall have come into their possession, provided the sale shall be advertised, with a full description of said baggage, goods, or other personal property, together with the time and place of said sale, for the period of four weeks, in at least two daily papers, published in the city of New York; and the cost of such advertising and sale, and the necessary expenses incident thereto, shall be a lien on such baggage, goods or other personal property. The proceeds of such sales, after deducting the costs and expenses as aforesaid, shall be deposited in the New York Life and Trust Company, subject to the claim of the rightful owner, for the term of two years; and after then, shall be applied to the legitimate uses of the commissioners of emigration, less the costs and expenses. § 1, ch. 387, 1864.

Sale of unclaimed baggage.

Advertisement.

Deposit of funds.

§ 1921. No provisions of law inconsistent with this act shall affect the provisions thereof. § 2, same ch.

Inconsistent law not to affect this act.

§ 1922. The commissioners of emigration are authorized to make such regulations as they may deem necessary for the government of any institution, in which they may support such persons as become chargeable to them, and for the employment of the inmates thereof. § 4, ch. 483, 1847, as amended by § 9, ch. 350, 1849.

Commissioners to make regulations, &c.

ARTICLE TWO.

QUARANTINE.

SECTION 1923. Chapter 147, 1856, and chapter 413, 1857, repealed, but such repeal not to revive any acts repealed by the aforesaid chapters.

1924. Quarantine in and for the port of New York established.

1925. Quarantine establishment, what to consist of.

* The laws relating to quarantine have been modified by subsequent legislation. See post, 60 1888, 1894.

RELIEF OF THE POOR.

- SECTION 1926. Quarantine structures, how, where, and under whose direction, to be erected.
1927. Their mode of construction and capacity.
1928. Wharves, how to be constructed; to be two wet docks.
1929. Location of anchorage for vessels under quarantine; how and where to be designated.
1930. Floating hospital; how to be constructed and where to be anchored.
1931. Boarding station for vessels from places where disease existed at the time of their departure, etc.
1932. Period for quarantine.
1933. Persons exposed to small-pox that have not been vaccinated, to be vaccinated.
1934. Diseases subject to quarantine.
1935. Merchandise for sanitary purposes, how to be arranged.
- 1936 and 1937. Merchandise, how to be disposed of.
1938. Vessels and cargo, regulations concerning, in certain cases.
1939. Health officers, when may order washing of the person and give orders as to how the clothing is to be cleaned and disinfected.
1940. Admission to pratique.
1941. Health officer to decide whether or not a vessel shall go into quarantine, and when vessel is in quarantine not to depart without written permission of such officer.
1942. A vessel subject to quarantine to have the right before breaking bulk of putting off to sea.
1943. Well and sick persons, how to be disposed of; how merchandise to be treated.
1944. Disposition of merchandise coming in different vessels.
1945. Purification of merchandise.
1946. Where clothing and dunnage to be purified.
1947. Regulations of floating hospital.
1948. Health officer to be a doctor of medicine of ten years' standing; how to be appointed.
1949. Place of residence of health officer and his duties; policemen, nurses and boatmen, and two assistant health officers, or deputy health officers, to be appointed.
1950. Duties of health officer and his assistants and deputies; oath of office; property of diseased persons to be inventoried, and when such property and the inventory to be delivered to the public administrator, &c., &c.
1951. Powers of health officer when master or owner of vessels neglect or refuse to obey orders of such officer.
1952. Captains and owners may be authorized by health officer to employ lighterage and men on their own account.
1953. Expenses of health officer and employees, how to be paid; fares of persons going to and from quarantine, and storage of merchandise, by whom to be paid.
1954. Expenses to be a lien on vessels; to whom account to be rendered.

QUARANTINE.

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- SECTION 1955 and 1956. Punishment of master of vessel for violation of duty; duties of pilots to hail vessels and ascertain whether they are subject to quarantine.
1957. Duties of pilots finding vessels to be subject to quarantine.
1958. Certain offenses deemed misdemeanors; penalties.
1959. Persons opposing or disobeying health officer or his deputies, how to be punished.
1960. Liens against vessels, how to be enforced.
1961. Duty of health officer in the presence of immediate danger.
1962. Decisions of the health officer may be appealed from to the commissioners of quarantine.
1963. How such appeal to be effected.
1964. Suits for penalties and forfeitures, how to be brought.
1965. Quarantine establishment to be held in trust by quarantine commissioners.
1966. Certain portions of the marine hospital lands on Staten Island to be sold; mortgage liens to be paid. (See section 7, ch. 543, 1867.)
1967. Duties of commissioners of quarantine to construct floating hospital, &c.; well persons to have their liberty as soon as practicable.
1968. Salaries and wages of employees to be fixed by health officer.
1969. Health officer to report annually to commissioners.
1970. Board of Health of New York, &c., when may order vessels in quarantine.
1971. Passengers on board of vessels in quarantine, how and by whom to be provided for.
1972. Confinement of persons charged with crime provided for.
1973. Jurisdiction of offenses committed under ch. 858, 1863.
1974. Commissioners of emigration to receive into their hospital all alien passengers (for whom bonds have been given) sent by the health officer.
1975. Commissioners of emigration to convey the right of state in the marine hospital grounds on Staten Island; how such conveyance to be recorded and filed.
1976. Commissioners of quarantine to hold meetings and report to the legislature.
1977. Fees and duty of health officer in respect thereto.
1978. Commissioners of quarantine, how to be appointed; their term of office.
1979. Salary of such commissioners.
1980. Quarantine hospital to be constructed so as to admit of separation of sick persons; health officer to be the physician of hospital; charges for sick persons, how and who to pay.
1981. Hospital to be deemed, as to jurisdiction, within city of New York; actions and removal of the same.
1982. Commissioners of quarantine, when authorized to commute with owner, consignee or master of vessel; effect of such commutation.

SECTION 1983. Special port warden to be appointed by governor every two years; his powers and duties; his fees; he may appoint a deputy.

1984. Provisions of ch. 751, 1866, inconsistent with ch. 543, 1867, repealed.

Repeal of
act of
April 9,
1866, and
act of
April 14,
1867.

Such re-
peal not to
revive any
act repeal-
ed by said
acts.
Establish-
ment of
quaran-
tine.
31 How.
394.

Of what to
consist.

Struct-
ures.

See ch. 751,
1866, and
ch. 543,
1867.

Mode of
construc-
tion.

Capacity.

§ 1923. The act entitled "An act [chapter 147] relative to public health and quarantine and regulations in the nature of quarantine in the port of New York, and to the marine hospital," passed April ninth, eighteen hundred and fifty-six, and the act entitled "An act [chapter 412] to provide for more effectually guarding against the spread of pestilential diseases," passed April fourteenth, eighteen hundred and fifty-seven, are hereby repealed, but such repeal shall not be construed to revive any act or part of an act thereby repealed. § 13, ch. 592, 1865.

§ 1924. Quarantine for the protection of the public health, according to the provisions of this act, is hereby authorized, required and established, in and for the port of New York, for all vessels, their crews, passengers, equipage, cargoes and other property on board of the same, arriving thereat from other ports. § 1, ch. 358,* 1863.

§ 1925. The quarantine establishment shall consist of: first, warehouses, wet-docks and wharves; second, anchorage for vessels; third, floating hospital; fourth, boarding station; fifth, burying ground; sixth, residence for officers and men. § 2, same ch.

§ 1926. The warehouses, wet-docks and wharves, together with appropriate appurtenances for unlading and storing cargoes, and such facilities as will enable merchants to overhaul and refit vessels while in quarantine, shall be constructed at such expense and in such place in the lower bay of New York, not on Staten Island, Long Island or Coney Island, as the quarantine commissioners may determine, with the approval of the commissioners of the land office. § 3, same ch.

§ 1927. The warehouses shall be of such capacity only as will secure the best natural ventilation consistent with security for merchandise, but in the aggregate they shall be of a capacity equal to the storage of fifty medium-sized cargoes; and they shall have connected with them apartments with suitable appliances for special disinfection by forced ventilation, refrigeration, high steam, dry heat and chemical disinfection, § 4, same ch.

§ 1928. The wharves shall be constructed with due regard to safety and protection for vessels, and sufficiently extensive to admit of the safe moorage of at least four

* An act establishing a quarantine and defining the qualifications, duties and powers of the health officer for the harbor and port of New York. Passed April 20, 1863; three-fifths being present.

vessels of the largest size at the same time. There shall be two wet-docks, each one capable of admitting a ship of the largest size. § 5, same ch.

§ 1929. The anchorage for vessels under quarantine shall be in the lower bay, distant not less than two miles from the nearest shore, and within an area to be designated by buoys by the quarantine commissioners and health officer. § 6, same ch. Location.

§ 1930. The floating hospital shall be constructed with special reference to the purposes of a hospital, and with a capacity sufficient to accommodate one hundred patients. From the first day of May to the first day of November, that floating hospital shall be anchored in the lower bay, not less than two miles distant from the nearest portion of the quarantine anchorage and from the nearest shore. From the first day of November to the first day of May, the floating hospital may be moored at the quarantine wharves or other secure place, subject to the discretion of the commissioners of quarantine. § 7, ch. 358, 1863. Floating hospital.

§ 1931. The boarding station for vessels from any place where disease subject to quarantine existed at the time of their departure, or which shall have stopped at any such place on their voyage, or on board of which during the voyage any case of such disease shall have occurred, arriving between the first day of April and the first day of November, shall be in the lower bay, below the narrows, and consist of the vessels at present used as a floating hospital, or such other vessel as may hereafter be provided, to be anchored in such proximity to the floating hospital and the channel as will afford the greatest dispatch in boarding and directing vessels as soon as practicable after their arrival; and said station shall be provided with all necessary appurtenances for personal cleanliness and the purification of personal baggage; and all such vessels, immediately on their arrival, shall anchor near such boarding station, within the quarantine anchorage specified in section six [section 1929] of this act, and there remain, with all persons arriving thereon, subject to the provisions of this act and of the act hereby amended. § 8, ch. 358, 1863, as amended by § 1, ch. 592, 1865. Boarding station in lower bay; what to be, where to be anchored and what to be provided with.

§ 1932. Vessels arriving at the port of New York shall be subject to quarantine as follows: first, all vessels from any place where disease subject to quarantine existed at the time of their departure, or which shall have arrived at any such place and proceeded thence to New York, or on board of which, during the voyage, any case of such disease shall have occurred, arriving between the first day of April and the first day of November, shall remain at quarantine for at least thirty days after their arrival, and at least twenty days after their cargo shall have been Period of quarantine.

discharged, and shall perform such and further quarantine as the quarantine commissioners may prescribe, unless the health officer, with the approval of the quarantine commissioners, shall sooner grant a permit for said vessel or cargo, or both, to proceed. Second, from any place (including islands) in Asia, Africa, or the Mediterranean, or from any of the West Indies, Bahama, Berinuda or Western Islands, or from any place in America in the ordinary passage from which they pass south of Cape Henlopen, and all vessels on board of which, during the voyage or while at the port of their departure, any person shall have been sick, arriving between the first day of April and the first day of November, and all vessels from a foreign port, not embraced in the first subdivision of this section, shall, on their arrival at the quarantine ground, be subject to visitation by the health officer, but shall not be detained beyond the time requisite for due examination and observation, unless they shall have had on board, during the voyage, some case of quarantinable disease, in which case they shall be subject to such quarantine and regulations as the health officer and the quarantine commissioners may prescribe. Third, all vessels embraced in the foregoing provisions, which are navigated by steam, shall be subject only to such length of quarantine and regulations as the health officer shall enjoin, unless they shall have had on board, during the voyage, some case of quarantinable disease, in which case they shall be subject to such quarantine as the health officer and the quarantine commissioners shall prescribe. § 9, ch. 358, 1863.

Vaccination.

Well persons not to be detained.

Diseases subject to quarantine.

Sanitary measures.

§ 1933. Persons with insufficient evidence of effective vaccination, and known to have been recently exposed to small-pox, shall be vaccinated as soon as practicable, and detained until the vaccinia shall have taken effect. No other well persons shall be detained in quarantine any longer than necessary to secure cleanliness. Such vaccination and disposal of persons vaccinated shall be made under regulations to be fixed by the quarantine commissioners and health officer. Persons having small-pox shall be disposed of in the same manner as is done under existing laws. § 10, same ch.

§ 1934. The only diseases against which quarantine shall apply are yellow fever, cholera, typhus or ship fever and small-pox, and any new disease not now known, of a contagious, infectious or pestilential nature, at the discretion of the quarantine commissioners and health officer. § 11, same ch.

§ 1935. For the purpose of sanitary measures, merchandise shall be arranged in three classes:

1. Merchandise to be submitted to an obligatory quarantine and to purification.

2. Merchandise subject to an optional quarantine. And,

3. Merchandise exempt from quarantine.

The first class comprises clothing, personal baggage and dunnage, rags, paper rags, hides, skins, feathers, hair and all other remains of animals, cotton, hemp and woollens. The second class comprehends sugar, silks and linen and cattle. The third class comprehends all merchandise not enumerated in the other two classes. § 12, same ch.

§ 1936. With existing quarantinable disease on board, ^{Id.} or if there have been any such disease on board within the ten days last preceding, merchandise of the first class shall be landed at the quarantine warehouse. Merchandise of the second class may be admitted to pratique immediately, or transferred to the warehouses, according to circumstances, at the option of the health officer, with due regard to the sanitary conditions of the port. Merchandise of the third class shall be declared free, and admitted without unnecessary delay. § 13, ch. 358, 1863.

§ 1937. In all cases where there has been quarantinable disease on board during the voyage, letters and papers shall be submitted to the usual purifications, but with such precautions as not to affect their legibility; articles of merchandise, or other things not subject to purifying measures, in an envelope officially sealed, shall be immediately admitted to pratique, whatever may be the condition of the vessel; and if the envelope is of a substance considered as optional, its admission shall be equally optional. § 14, same ch. ^{Sanitary measures.}

§ 1938. If a vessel, though not having had, during the voyage, any case of quarantinable disease, yet be found in a condition which the health officer shall deem dangerous to the public health, the vessel and cargo shall be detained until the case shall have been considered; the decision of the health officer, however, in all such cases, shall be rendered within twenty-four hours. Vessels in an unhealthy state, whether there has been sickness on board or not, shall not be allowed pratique until they shall have been broken out, duly cleansed and ventilated. ^{Vessel and cargo.}

§ 15, same ch.

§ 1939. If in the judgment of the health officer a vessel ^{Id.} require it, he may order the following sanitary measures: baths and other bodily care for the persons; washing or other disinfecting means for clothing; displacement of merchandise on board, or complete breaking out; subjection to high steam, incineration, or submersion at a distance below the surface of the water, for infected arti-

- cles ; the destruction of tainted or spoiled food or beverages ; the complete ejection of water ; thorough cleansing of the hold and the disinfection of the well. In short, the complete purification of the vessel in all her parts by the use of steam, fumigation, force pumps, rubbing or scraping, and finally sending to quarantine anchorage, until disinfection be perfected. Whenever these divers operations are necessary, they shall always be executed before admission to pratique. § 16, same ch.
- Sanitary measures.** § 1940. Admission to pratique shall be preceded by as many visits to the vessel as the health officer may judge necessary. § 17, same ch.
- Decision of health officer.** § 1941. No vessel shall be put in quarantine without a stated decision of the health officer, and the captain or master of the vessel shall be informed thereof immediately after his decision. And no vessel subject to quarantine shall depart therefrom without the written permission of the health officer, and such permit shall be delivered by the master of the vessel to the mayor of the city of New York, or the mayor of the city of Brooklyn, according to the destination of such vessel, within twenty-four hours after said permit shall be received by said master. § 18, ch. 358, 1863, as amended by § 2, ch. 592, 1865.
- Vessel not to depart from station without permission of health officer.** § 1942. A vessel shall have the right, before breaking bulk, of putting to sea, in preference to being quarantined ; in the exercise of this right, if the vessel have not arrived at her port of destination, the bill of health shall be returned ; the health officer, however, shall mention upon said bill, the length and circumstances of the detention, and the condition of the vessel upon reputting to sea ; but before the exercise of this right, the health officer must satisfy himself that the sick of such vessel will be taken care of for the remainder of the voyage, and take care of such sick as prefer to remain. § 19, ch. 358, 1863.
- Vessels may return to sea.** § 1943. On arrival of infected vessels, all well persons shall have their freedom as soon as possible consistently with the foregoing regulations ; sick persons shall be immediately transferred to the floating hospital or other hospitals appropriated for their reception, and the vessel unladen, purified, and admitted to pratique as soon as possible. All merchandise shall be placed in the warehouse and there freely exposed to the air, and moved from time to time to insure its perfect ventilation. In no case shall persons sick with different diseases be put in the same hospital. § 20, same ch.
- Well persons and sick persons.** § 1944. Merchandise coming from different vessels and places, and at different times in quarantine, shall be kept separate, and placed as much as practicable in different warehouses. § 21, same ch.
- Merchandise.**
- Disposition of merchandise.**

§ 1945. Merchandise shall be submitted to such measures of purification as the health officer shall judge necessary ; no putrefied animal substances, or substances likely to putrefy, shall be admitted into the warehouses ; all such substances shall be rendered innoxious or destroyed. § 22, same ch.

Purification thereof.

§ 1946. The clothes and dunnage contaminated with infection of different diseases shall be purified in different places. § 23, same ch.

Clothes and dunnage.

§ 1947. The floating hospital shall, from the first day of April to the first day of November, be appropriated exclusively to the care of persons sick with yellow fever ; from the first day of November to the first day of April the floating hospital may be used for the care of typhus or ship fever, and until permanent provision shall be otherwise made by law, small-pox patients shall be sent to and supported, as at present, at Blackwell's Island, and typhus or ship fever patients shall be sent to and supported, as at present, at Ward's Island, and cholera patients shall be provided for by the commissioners of quarantine in such manner as they may determine and occasion shall demand. § 24, ch. 358, 1863.

Regulations for hospitals.

§ 1948. A health officer for the port of New York shall be nominated by the governor and appointed by him, with the consent of the senate, and shall hold his office for the term of two years and until a successor in such office shall be duly qualified ; provided, however, that no one shall be appointed a health officer except a doctor of medicine of good standing, and of at least ten years' experience in the practice of his profession, and who shall also be practically familiar with the diseases subject by this act to quarantine ; nothing in this section contained shall authorize the governor to appoint a health officer during the recess of the senate, except in case of a vacancy by death or resignation. § 25, same ch.

Appointment of health officer.

His qualifications.

§ 1949. It shall be the duty of the health officer to reside at such convenient place for the boarding of vessels as the commissioners of quarantine may determine, and to have the general superintendence and control of the quarantine establishment, and the care and treatment of the sick, and to carry out all the provisions of this act ; and he shall have power :

Duties thereof.

1. To administer oaths and take affidavits in all examinations prescribed by this act, and in relation to any alleged violation of quarantine law or regulation ; such oaths to have the like validity and effect as oaths administered by a commissioner of deeds.

2. The commissioners of the metropolitan police are hereby authorized and empowered and directed to appoint five additional policemen, to be placed under the

Policemen under direction of health officers.

- Salaries. direction of the health officer, to perform patrol and police duty, and in any necessary emergency the said metropolitan police commissioners shall furnish five additional policemen upon the requisition of the health officer, to be detailed by said officer, not exceeding five days at any one time. The [salary of the] five policemen so to be appointed by the said commissioners shall receive the same salary as other policemen are paid in the metropolitan district; but the amount so paid shall be refunded by the comptroller of the state out of the general fund, upon the certificate of the said police commissioners. Sub. 2, § 26, ch. 358, 1863, as amended by § 3, ch. 592, 1865.
- Policemen at quarantine. [For the health officer of the port of New York the sum of five thousand dollars, or so much thereof as may be necessary to pay the salaries of not exceeding five policemen at quarantine. Such policemen shall be appointed, and may at pleasure be dismissed, by him, and they shall perform patrol and police duty under his direction, in connection with the quarantine establishment, and upon the waters of the bay of New York, and they shall possess all the powers possessed by policemen in the cities of New York and Brooklyn. Part of § 2, ch. 492, 1870, p. 1109.]
- Their appointment and powers.
- Ib. 3. To direct in writing any constable or other citizen to pursue and apprehend any person who shall violate any quarantine law or regulation, or who shall obstruct the health officer in the performance of his duty, and deliver him over to the said officer to be detained at quarantine until discharged by such officer, but such confinement shall in no case exceed ten days, and it shall be the duty of the constable or other citizen so directed to obey such directions; and every person violating the quarantine laws or regulations, or obstructing the health officer, shall be considered guilty of a misdemeanor, punishable by a fine of not less than five hundred dollars, or by imprisonment not less than three months or more than six months. Sub. 3, § 26, ch. 358, 1863.
- Ib. 4. To select and appoint and dismiss at pleasure, as many nurses, boatmen and other employees of the floating hospital and boarding station, as may be found necessary for the care and proper treatment of the inmates thereof; and also, and in conjunction with the quarantine commissioners, to license lightermen, stevedores, laborers and other employees as may be found necessary for the care and purification of vessels, merchandise, baggage, dunnage, &c., in quarantine; but the compensation of all persons so employed shall be fixed and determined by the commissioners of quarantine. Sub. 4, same sec.
- Ib. 5. To select, appoint and dismiss at pleasure, two as-
 Assistants. sistant or deputy health officers for whose conduct he shall

be responsible, and who may perform, subject to his direction, all the duties required of the health officer. Sub. 5, § 26, ch. 358, 1863.

§ 1950. It shall be the duty of the health officer and his assistants and deputies: Duties of officers.

1. To take and subscribe the oath of office prescribed in article twelve of the constitution of the state of New York. Oath of office.

2. To board every vessel subject to quarantine or visitation by him, as soon as practicable after her arrival, between sunrise and sunset; to inquire as to the health of all persons on board, and the condition of the vessel and cargo, by inspection of the bill of health, manifest, log-book, or otherwise; to examine on oath as many and such persons on board as he may judge expedient, to enable him to determine the period of quarantine and the regulations to which such vessel and her cargo shall be made subject; and to report the facts and his conclusions, and especially to report the number of persons sick, and the nature of the disease with which they are afflicted, to the quarantine commissioners. Sub. 2, § 27, ch. 358, 1863, as amended by § 4, ch. 592, 1865. Duties of health officer.

3. To exercise dispatch in the disposal of persons arriving in infected vessels, to have the bodies of persons who have died of malignant diseases on board of infected vessels arriving, and such as shall have died in the floating hospital, interred in the quarantine burying ground near Seguine's Point; and to proceed without delay in the purification of vessels, merchandise, baggage, dunnage and other articles in quarantine; and whenever he shall judge the same free from infection, to permit the removal thereof. No vessel or cargo, however, that has been in quarantine shall be permitted to proceed to New York or Brooklyn, without the approval of the mayor or board of health of those cities respectively. Deceased persons.

4. To secure the effects of deceased persons in quarantine from waste and embezzlement, and make a true inventory thereof, and when the rightful claimants of such effects do not appear within three months, to deliver the same, with such inventory, to the public administrator of the city of New York, unless the said property be of such a description as ought not to be removed, or may be destroyed under the provisions of this act. Sub. 4, § 27, ch. 358, 1863, as amended by § 5, ch. 592, 1865. Property of deceased persons in quarantine to be inventoried.

5. To keep the boards of health of New York and Brooklyn, at all times, informed of the number of vessels in quarantine, of the number of persons sick in the floating hospital, and of the diseases with which they are afflicted. Property, an inventory to be delivered to public administrator. Boards of health of New York and Brooklyn to be notified.

Reception
of vessels,
&c.

6. To receive any vessel or merchandise sent to him by the health authorities of New York or Brooklyn, dangerous to the public health.

Cases of
yellow
fever.

7. To receive into the floating hospital any case of yellow fever that shall have been contracted in quarantine establishment or elsewhere.

Yellow
flag.

8. To have all vessels, warehouses and merchandise in quarantine designated by a yellow flag; and to prohibit communication with or passage within range of such vessels and places except under such restrictions as he may designate as being compatible with safety. § 27, ch. 358, 1863.

Power of
health
officer.

§ 1951. Whenever the health officer, in the performance of his duties, and in the execution of the powers imposed and conferred upon him by law or by any regulation or ordinance made in pursuance of any statute of this state, shall order or direct the master, owner or consignee of any vessel, subject to quarantine, to do any act or thing, or comply with any regulation relative to said vessel, or to any person or thing on board thereof, and said master, owner or consignee shall neglect or refuse to comply with such order or direction, the said health officer shall have power to employ such persons and assistance as may be necessary to carry out and enforce such order and direction, and the persons so employed shall have a lien on such vessel, her tackle, apparel and furniture for their services and expenses. § 28, same ch.

Ib.

§ 1952. The health officer in the lighterage, stevedorage and storage of vessels and merchandise in quarantine, may permit the captains and owners to employ lighterage and men on their own account; all persons so employed, however, shall be subject to the same restrictions for the protection of the public health as those who may be licensed for the same services by the health officer and commissioners. § 29, same ch.

Expenses
of health
officer
and em-
ployees;
how to be
paid.

§ 1953. Whenever any expense shall be incurred by the health officer, or whenever any services shall be rendered by him or his employees in the discharge of the duties imposed upon him by law, in relation to vessels, merchandise, baggage, dunnage, persons or burials under quarantine, such expenses and services shall be paid for to the health officer by the masters of the vessels for which said expenses shall have been incurred, or the services shall have been rendered, or in which the merchandise, baggage, dunnage and persons shall have arrived. Persons conveyed to or from the quarantine establishment, in the steamboat hereinafter mentioned, shall pay the health officer for such transportation individually, except in cases where they shall be conveyed for the master of a vessel, in which case the master shall pay for the same.

Fare of
persons
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chandise:
by whom
to be paid

of all merchandise, in the quarantine ware all be paid for by the owners or consignees to the quarantine commissioners on delivery, and the use of docks for overhauling and repairing vessels shall be to said commissioners by the captains or owners of vessels using them. The charges for each and every service in this section mentioned, and storage of said wet-docks, shall be fixed and determined by said commissioners. And nothing in this act contained shall in any manner impair or reduce the authority and duty of the said health officer to pay wages and expenses imposed upon him by the said section (section 1977) of the act hereby amended. 58, 1863, as amended by § 6, ch. 592, 1865.

The expenses, services and charges specified in the preceding section shall be a lien on the vessels, or on other property, in relation to which such expenses and charges shall have been made, or such services have been rendered; and it shall be the duty of the health officer to render an account, payable to the quarantine commissioners, to all masters, owners or consignees, to pay any charges to said commissioners, to the provisions of said section, as soon as possible after such liability shall have accrued; and if the master, owner or consignee shall omit to pay the same within three days after said account shall have been rendered, said commissioners may proceed to enforce said lien, and they may have and maintain an action against the master, owners or consignees of such vessel, or the consignees of such merchandise or property, and every one of them, to recover the amount of such expenses, services and charges; and the health officer shall have the like remedy as is given to said commissioners to recover for any expenses or services which shall be payable to him according to the provisions of the said section, in case the same shall remain unpaid for the space of three days after payment thereof shall have been rendered by him. In the case of passengers, howsoever expenses shall have been incurred under the said act, the master of the vessel in which such passengers arrived may recover from them the amount of such expenses incurred on their account. And until all such expenses, services and charges specified in said last section, and for which a lien is created by this act, shall be paid, the vessel, the cargo and other property shall be held in quarantine; provided, however, that the vessel, cargo or other property shall not be held in quarantine for non-payment thereof, if the master, owner or consignee thereof shall execute and deliver to the said quarantine commissioners a bond, with sufficient sure-

Expenses
to be a lien
on vessels;
to whom
account to
be rendered.

If, from the answers obtained from such inquiries, it shall appear that such vessel came from a port where any quarantinable disease existed at the time of the departure, or that any case of such disease shall have occurred on board of her during the passage, the pilot shall immediately direct the master of the vessel to proceed and anchor such vessel at the quarantine anchorage in the lower bay. In other cases of vessels liable to quarantine, he shall direct the master thereof to proceed and anchor such vessel at such point as shall be assigned by the quarantine commissioners as an anchorage for such vessels; provided, however, that the anchorage for such vessels shall be at least one-half mile distant from the shore of Long Island and Staten Island. § 35, ch. 358, 1863, as amended by § 8, ch. 592, 1865.

Duty of pilots in certain cases.

§ 1958. Any person, except a pilot, who shall go on board of or have any communication or dealing with any vessel hereinbefore declared subject to quarantine, before she shall be boarded and examined by the health officer, or while she is being examined by him, or who shall violate any provision of this act, or shall neglect or refuse to comply with any direction or regulation which the health officer or commissioners of quarantine may prescribe by virtue of this act, shall be guilty of a misdemeanor, and be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment not less than three nor more than six months, or both such fine and imprisonment. And any person except the master, owner or consignee of said vessel, who shall go on board of any such vessel after she shall have received from the health officer his permit to proceed from quarantine, and before such permit shall be delivered at the office of the mayor of the city of New York or of the city of Brooklyn, shall be guilty of the like offense and subject to the like punishment. § 36, ch. 358, 1863, as amended by § 9, ch. 592, 1865.

Certain offenses to be misdemeanors.

Penalties.

§ 1959. Every person who shall oppose or obstruct the health officer or his deputies in performing the duties required of him by law, and every person who shall go on board of, or have any communication, intercourse or dealing with, any vessel under quarantine, or with any of her crew or passengers, without the permission of the health officer, or who shall, without such permission, invade any portion of the quarantine establishment, shall be guilty of the like offense, and subject to the like punishment, prescribed by the preceding ninth section of this act; and such offender shall be detained at quarantine so long as the health officer shall direct, not exceeding twenty days. In case such person shall be taken sick of any contagious or infectious disease during such twenty

Persons opposing or disobeying health officer, &c., to be punished; mode of punishment.

days, he shall be detained at quarantine for such further time as the health officer shall direct. Exclusive jurisdiction of the offenses specified in this section is hereby conferred upon the courts specified in the forty-ninth section (section 1973) of the act which is hereby amended; and all of the provisions of said last-mentioned section shall apply to said offenses. § 11, ch. 592, 1865.

Mode of
enforcing
liens.

§ 1960. The several liens specified in this act and the act hereby amended (chapter 358, 1863) may be enforced in the same manner as other liens on vessels are enforced by warrant of attachment, in the mode prescribed in the act entitled "An act to provide for the collection of demands against ships and vessels," passed April twenty-fourth, eighteen hundred and sixty-two, all the provisions of which shall apply to the services, expenses and charges hereinbefore and in said act specified, and the person or persons, to whom said expenses and charges for which such liens are created shall be payable, shall be deemed creditors of the master, owners and consignees of the vessel or merchandise respectively, and such person or persons may have and maintain an action against the master, owner or consignee, and each of them, to recover the value of such services, charges and expenses. § 12, same ch.

Further
power of
health off-
cers.

§ 1961. It shall be the duty of the health officer, in the presence of immediate danger, to take the responsibility of applying such additional measures as may be deemed indispensable for the protection of the public health. § 37, ch. 358, 1863.

Appeal
from his
decisions.

§ 1962. Any person, aggrieved by any decision or direction of the health officer, may appeal therefrom to the commissioners of quarantine, who shall constitute a board of appeal; the said board shall have power to affirm, reverse or modify the decision, order or direction appealed from, and the decision of the said board thereon shall be final. § 38, same ch.

Mode of
appeal.

§ 1963. An appeal to the board of appeal must be made by serving upon the health officer a written notice of such appeal within twelve hours (Sundays excepted) or within such further time as shall be allowed by the commissioners of quarantine after the appellant receives notice of the order, decision or direction complained of. Within twelve hours after the health officer receives such notice (Sundays excepted), he shall make a return in writing, including the facts on which his order, decision or direction was founded, to the president of the board of commissioners of quarantine. Upon receipt of such return, or in case no return shall be made within the time aforesaid, he shall immediately call a meeting of the board of appeal, and said appeal shall be heard and decided within

Return
thereto.

twenty-four hours thereafter (Sundays excepted), and until such decision be made the order, decision or direction complained of, except it refer to the detention of a vessel, her cargo or passengers, at quarantine shall be suspended. § 39, ch. 358, 1863, as amended by § 14, ch. 543, 1867.

§ 1964. The penalties and forfeitures prescribed by this act may be sued for and recovered, with costs of suit, by and in the name of the commissioners of quarantine, according to the provisions of "An act (chapter 195) concerning passengers in vessels coming to the city of New York," passed May fifth, eighteen hundred and forty-seven. § 40, ch. 358, 1863.

Suit for penalty.

§ 1965. The commissioners of quarantine are hereby constituted the custodians of the quarantine establishment of the harbor and port of New York, to be by them held in trust for the people of this state, for the purposes, and subject to the provisions, specified in this act. And they shall have power to make such rules and regulations, not inconsistent with the provisions of this act, as they shall deem necessary for the care and protection of each portion of the quarantine establishment, for the government of the employees therein; for the regulation of the conduct of all persons under quarantine, and for preventing communication or intercourse with any vessel under or subject to quarantine. All the necessary expenses incurred by the said commissioners in the care and maintenance of said establishment and in the discharge of their duties, not otherwise in this act provided for, shall be paid out of any moneys which may come into their hands, or which may be appropriated for construction or carrying on said establishment. § 41, ch. 358, 1863, as amended by § 10, ch. 592, 1865.

Commissioners of quarantine, custodians.

Power of commissioners of quarantine.

§ 1966. The commissioners of the land office are hereby authorized and directed, without unnecessary delay, to sell the lands owned and hitherto used on the eastern shore of Staten Island, heretofore known as "The Marine Hospital," except that portion of the south-east corner of said lands described and bounded as follows: All that part of the quarantine grounds commencing on Arrietta street at a point on the southerly wall of said grounds, three hundred and fifty feet distant from the south-westerly intersection of said wall with the easterly line of said Tompkins avenue; thence northerly on a line parallel to said Tompkins avenue four hundred feet; thence south, eighty-four degrees and fifteen minutes east, on a line parallel with said southerly wall, on the north margin of said Arrietta street, to the pier line as established by the harbor commissioners; thence southerly along said pier line to the intersection with a line of said southerly wall prolonged; then a westerly to and along said wall on the north mar-

Commissioners of land office to sell certain lands on Staten Island.

Boundaries.

How
lands
reserved
to be used.
See § 9, ch.
543, 1867.

Mortgages
to be paid,
&c.

Duties of
commis-
sioners of
quaran-
tine.

Well
persons.

gin of said Arrietta street to the place of beginning, which shall be reserved from such sale for a landing and boarding station, and such other purposes as may be necessary, until a permanent quarantine station shall have been provided, except that said parcel of ground, or any part thereof, shall not be used or occupied for hospital purposes, or for the reception, depositing, or storing of any article or thing which may have been taken from any vessel arriving at the port of New York that may be subject to quarantine." And also the land at Segoin's Point, excepting the burying ground, which shall be retained as a part of the new quarantine, together with all the buildings and the proceeds of the same, shall be held subject to and for the purpose of this act. And for the purpose of enabling the commissioners of the land office to convey an unincumbered title to purchasers, the amount which may be due upon the mortgage or mortgages upon the said premises, executed by the commissioners of emigration, shall be paid; the said commissioners of emigration being required to pay fifty thousand dollars of the amount due upon such mortgages, from the funds in their hands, and the residue shall be paid from the proceeds of the sale by the commissioners of the land office. § 42, ch. 358, 1863, as amended by § 1 and § 2, ch. 398, 1864.

§ 1967. The said commissioners of quarantine are hereby authorized and directed to proceed, without unnecessary delay, to have constructed a floating hospital, warehouses, wet-docks, and to provide a boarding station and a residence for the health officer, with all appurtenances, according to the provisions of this act, and to pay for the same out of the funds hereinbefore provided, and such other funds as are now held by them, or as they are, or shall be, empowered to raise or receive for such purposes. In the exercise of quarantine regulations at the harbor and port of New York, until the completion of the establishment according to the provisions of this act, vessels or hulks may be appropriated for the service of the sick, and also for the reception of merchandise; but in such cases they shall be so disposed as to permit the separation of the sick with different diseases, and to secure the best conditions of hygiene, especially ventilation, and under no circumstances whatever shall sick persons be kept in proximity with infected vessels or merchandise. Well persons shall have their liberty as soon as practicable, consistent with the provisions of this act; and all means necessary to the protection of the public health shall be instituted according to the exigencies of the case, provided they are not inconsistent with the provisions of this act. § 43, ch. 358, 1863.

§ 1968. All salaries and wages of the employees in the quarantine establishment, not specially provided for in this act, shall be fixed and determined by the health officer. § 44, ch. 358, 1863.

Salaries and wages of employees.

§ 1969. The health officer shall present to the commissioners of quarantine annually, on or before the first of January, a report of the general condition of the quarantine establishment with the statistics of the institution in detail, and such other information and suggestions in regard to the same as he may deem advisable; he shall also furnish to the board of health of the cities of New York and Brooklyn, and to the commissioners of quarantine, whenever required by them to do so, an official return of the numbers and diseases of the patients in the floating hospital. § 45, ch. 358, 1863, as amended by § 12, ch. 543, 1867.

Health officer to report annually.

§ 1970. The board of health, or the mayor and commissioners of health, of the city of New York, or the board of health of Brooklyn, whenever in their or his judgment the public health shall require, may order any vessel at the wharves of the city, or in their vicinity, to the quarantine ground or some other place of safety; and may require all persons, articles or things introduced into either city from such vessel, to be seized, returned on board thereof, or removed to the quarantine or other place of safety. If the master, owner or consignee of the vessel cannot be found, or shall neglect or refuse to obey the order of removal, the said board of health, or mayor and commissioners of health, shall have power to employ such assistance as may be necessary to effect such removal, at the expense of such master, owner or consignee; and such vessel or person shall not return to the city without the written permission of the said board of health, or mayor and commissioners of health. Whenever any person shall have been employed, as above provided, to remove any vessel, or to remove any article or thing introduced into the city from such vessel, and shall, in pursuance of such employment, effect such removal, he shall have a lien on said vessel, her tackle, apparel and furniture, for his services and expenses in effecting such removal. § 46, ch. 358, 1863, as amended by § 14, ch. 543, 1867.

Powers of board of health, mayor and commissioners of health, and health officer of New York, and the board of health of Brooklyn.

§ 1971. All passengers being on board of vessels under quarantine shall be provided for by the master of the vessel in which they shall have arrived; and if the master shall omit or refuse to provide for them, or they shall have been sent on shore by the health officer, they shall be maintained by the commissioners of quarantine, at the expense of such vessel, her owners, consignees, and each and every one of them; and the health officer shall not

Passengers, when to be provided for by master of vessel.

permit such vessel to leave quarantine until such expense shall have been repaid or secured; and the said commissioners of quarantine shall have an action against such vessel, her owners, consignees, and each and every one of them, for such expenses, which shall be a lien on such vessel, and may be enforced as other liens on vessels are enforced by said commissioners of quarantine. § 47, ch. 358, 1863.

Confine-
ment of
offenders.

§ 1972. The health officer, upon the application of the master of any vessel under quarantine, may confine, in any suitable place on shore, any person on board of such vessel charged with having committed an offense punishable by the laws of this state or the United States, and who cannot be secured on board of such vessel; and such confinement may continue during the quarantine of such person, or until he shall be proceeded against in due course of law; and the expense thereof shall be charged and collected as in the last preceding section. § 48, same ch.

Jurisdic-
tion over
offenses.

§ 1973. Exclusive jurisdiction of the expenses specified in this act is hereby given to the courts of general and special sessions of the peace of the city of New York, and general sessions of the county of Kings; and it shall be the duty of the district attorneys of the city and county of New York and county of Kings, respectively, to prosecute all persons guilty of such offenses, in preference to any indictment then in their offices; and it shall be the duty of either of the said courts to hear and try the offenses against this act, in preference to all other cases pending before it; and whenever any person shall be convicted on a trial for such offense, the court shall forthwith proceed to pronounce judgment upon him according to the terms prescribed in this act. § 49, same ch.

Duty of
commis-
sioners of
emigra-
tion.

§ 1974. The commissioners of emigration shall receive into their hospitals all alien passengers for whom bonds shall have been given, or commutation paid, under the several acts of this state relating to alien passengers arriving at the port of New York, who shall be affected with any contagious or infectious disease, other than yellow fever, and sent to such hospital by the authority of the health officer. They shall defray the expenses of such patients out of the moneys by them received on account of bonds or commutation. § 50, same ch.

To convey;
certain
lands to
the state.

§ 1975. The commissioners of emigration shall execute and acknowledge a suitable and proper conveyance, to be approved by the attorney-general, conveying to the state all the right, title and interest which they have in the real estate on Staten Island, now or formerly occupied for quarantine purposes, as a marine hospital; which con-

voyance, after being recorded in the office of the clerk of the county of Richmond, shall be filed in the office of the secretary of state. § 51, ch. 358, 1863.

§ 1976. It shall be the duty of the commissioners of quarantine to hold daily meetings, Sundays and customary holidays excepted, from the first day of May until the first day of November in each year, and as often in the other months as, in their judgment, may be necessary. They shall present annually a report of their proceedings, and of the condition of the quarantine establishment, to the legislature, at the opening thereof. § 52, same ch.

Meetings of commissioners of quarantine.

Reports by.

§ 1977. The health officer shall be entitled to receive the fees fixed by law for his services. He shall thereout pay all the salaries and wages of the deputy health officers, and such bargemen, nurses and stewards as may be necessary for the performance of the duties imposed upon him by this act, for the carrying on the quarantine establishment, except the salaries of the commissioners of quarantine; and the said health officer shall pay the current expenses of running a steamboat for the transportation of persons to and from the establishment, and for visitations, and for burying the dead. But nothing in this section contained shall be construed or held to affect the liability of masters or owners of vessels, passengers or other persons, to pay for such services, labor or work as they are respectively required to pay or discharge by the terms of this act. § 53, ch. 358, 1863, as amended by § 14, ch. 592, 1865.

Fees of health officer.

§ 1978. The governor shall nominate, and by and with the advice and consent of the senate appoint, three discreet persons, citizens of this state, who shall be residents of the metropolitan police district, as commissioners of quarantine for the purposes of this act, who shall hold their offices for three years, and until their successors shall be appointed and qualified. He shall, every three years thereafter, and as often as vacancies shall occur by reason of death, resignation, insanity or removal from the said district, appoint, by and with the consent of the senate, citizens, as aforesaid, who shall reside in said district, to fill the places of those commissioners whose terms shall expire or become vacant, and the persons so appointed shall hold their offices for three years, and until their successors shall be appointed and qualified. § 54, ch. 358, 1863.

Appointment of three quarantine commissioners.

§ 1979. The said commissioners shall receive an annual salary of two thousand five hundred dollars each. § 55, same ch.

Salary.

§ 1980. The hospital [in pursuance of sections 1-4 of chapter 751 of 1866] so to be erected and provided, as

Hospital and its use.

Yellow fever, &c.	aforesaid, shall be so constructed as to admit of the separation therein of persons sick with different diseases, and when so required, the same shall be applied exclusively to the reception and care of persons sick with yellow fever or cholera, and, when so used, patients sick with other diseases, subject to quarantine, shall be disposed of and provided for in the manner now required by law. When not required for the reception of yellow fever or cholera patients, said hospital may be appropriated to the reception of persons sick with other contagious diseases, subject to such regulations as the commissioners of quarantine shall deem necessary to prescribe; and said commissioners may appoint a physician for said hospital, and the health officer of the port of New York shall be the physician for said hospital. The expense of the care and support of each person received into said hospital shall be fixed and determined as other quarantine charges and expenses are now by law fixed and determined, and shall be paid to said commissioners by the master, owner or consignee of the vessel in which the persons so received shall have arrived, and the said commissioners shall have the same remedies to enforce the payment thereof as are given them by existing laws to enforce payment of charges for storage in the quarantine warehouses. § 5, ch. 751, 1866.
Physician for hospital.	
Expenses, how to be paid.	
Questions of jurisdiction in actions.	§ 1981. For the purpose of determining all questions of jurisdiction in any action, either civil or criminal, growing out of any act or thing done upon or connected with the said hospital hereby authorized to be erected, the said structure shall be deemed to be within the limits of the city and county of New York, and whenever any action has been or shall hereafter be commenced, or any criminal prosecution shall be instituted against the health officer of the port of New York, or either of his deputies, or any of his employees, or against the commissioners of quarantine, or either of them, or against any person engaged in performing any duty or rendering any service in any matter or thing connected with the quarantine establishment, or any part thereof, before any court or officer within the county of Richmond, or where such county shall be the place of trial named in the complaint in any such action, the defendant or defendants therein may apply to any justice of the supreme court for an order directing that said action be tried either in the city and county of New York or in the county of Kings, and the said justice shall thereupon make an order removing said action from the county of Richmond to the city and county of New York or to the county of Kings. In case the action shall be pending in the supreme court, the order shall designate in which of the other counties above named the trial shall be had. In case such action shall be pending
In what city, &c., hospital to be deemed.	
In what case actions to be removed from Richmond county.	

in the county court, said order shall remove said action into the supreme court, and shall designate one of the other counties above named as the county where the same shall be tried. In case the action shall have been commenced before a justice of the peace, the order shall name the justice of the peace or court before which said action shall be tried in the county to which the same shall be removed, as aforesaid, and in case the action shall be criminal, the order shall direct to what officer or court the complaint or indictment shall be sent for trial, and shall provide for giving bail in such form and amount as the said justice to whom such application shall be made shall deem proper; and in all cases where an order shall be made as aforesaid, the court or officer to which said action shall be transferred, as hereinbefore authorized, shall proceed to the trial thereof in the same manner and with the like effect as if said action had been commenced before such court or officer, and the cause of action had arisen in the county to which said action shall be removed. § 6, ch. 751, 1866. [It shall not be lawful to suffer or permit any vessel infected with a pestilential, contagious or quarantinable disease, or any vessel containing any person or persons infected with any such disease, to anchor in the waters of Gravesend Bay. § 1, ch. 543,* 1867.]

In what waters infected vessels not to anchor.

§ 1982. The commissioners of quarantine are hereby authorized and empowered to commute with the owner, consignee or master of any ship or vessel, for the charges and expenses which may be made or incurred in the care, treatment, maintenance, cleansing of baggage, or burial of any person under quarantine, who shall arrive in the port of New York, upon such ship or vessel, by receiving from such owner, consignee or master, such a sum for each person arriving in such ship or vessel as the said commissioners shall deem to be just and proper. The amount so paid shall be in lieu of all charges and expenses now authorized by law to be collected from such owner, consignee or master, for the care, treatment, maintenance or burial of any person under quarantine, arriving in such ship or vessel, and all persons under quarantine, for whom commutation moneys shall be so paid, shall be taken care of and maintained at the expense of the funds provided for defraying the expenses of the quarantine so received by the commissioners, shall be deemed a part of the funds provided for that purpose. § 5, ch. 543, 1867.

Commutation with owners of vessels, &c.

What to be in lieu of.

§ 1983. Immediately after the passage of this act, and every two years thereafter, the governor shall nominate, and by and with the advice and consent of the senate shall appoint, a special port-warden in and for the port of

Special port-warden

* "An act in relation to quarantine in the port of New York, and to amend existing acts relative thereto," passed April 22, 1867.

Term of office.	New York, whose duty it shall be to act as warden in regard to vessels under or subject to quarantine, but his duties shall not extend to vessels stopping at quarantine for the purpose of visitation only by the health officer, but which shall not be detained. The person so appointed shall hold his office for two years and until his successor is appointed and qualified; and in reference to vessels or merchandise under or subject to quarantine, he shall
Duties.	possess all the powers of a port-warden in the port of New York, but he shall discharge his duties under and subject to such regulations as the health officer shall see fit to impose for the protection of the public health; he
Fees.	shall be entitled to receive for each survey or examination made by him, the sum of five dollars, and shall make returns to the warden's office, in the city of New York, of each survey made by him, within twenty-four hours after the same shall be made; and he may appoint a
Deputy.	deputy, who, during his absence or inability to serve, may perform all his duties and exercise all his powers; and so much of any existing law as authorizes the appointment of port-wardens to act under quarantine, other than the one hereinbefore specified, is hereby repealed. § 11, ch. 543, 1867.
Repeal.	§ 1984. So much of chapter seven hundred and fifty-one of the laws of one thousand eight hundred and sixty-six, as is inconsistent with the provisions of this act, is hereby repealed, § 13, same ch.

CHAP. LXXV.

MISCELLANEOUS MATTERS.

ARTICLE ONE.

Fruit Growers, protection of. Sections 1985-1988.

ARTICLE TWO.

Relating to animals running at large in the public highway. Sections 1989-1998.

ARTICLE THREE.

Game Laws. Sections 1999-2040.

ARTICLE FOUR.

Relating to the prohibition of circulation of obscene literature and trade in articles of an immoral use. Sections 2041-2045.

ARTICLE ONE.

FRUIT GROWERS, PROTECTION OF.

SECTION 1985. Persons trespassing on domestic fruit-growing ground, with intent to take or injure any thing growing, guilty of misdemeanor.

1986. Any person destroying shrubbery, &c., is guilty of misdemeanor.

1987. Persons owning or possessing fruit-growing ground authorized to arrest trespassers and bring them before a magistrate.

1988. Fines collected under this act to go, half to the overseer of the poor and half to the owner of the ground.

§ 1985. Any person who shall at any time enter upon any orchard, fruit garden, vineyard or any field or inclosure wherein is cultivated any domestic fruit whatever, and which is kept for such purpose, without the consent of the owner or occupant thereof being previously had and obtained, and with intent to take, or destroy, or injure any thing there growing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as in such cases provided by law. § 1, ch. 645,* 1868.

Entry of fruit orchards, vineyards, &c., with intent to take, injure, &c., deemed a misdemeanor.

§ 1986. Any person who shall willfully cut down, destroy, or in any way injure any tree, shrub or vine within any inclosure or field wherein is cultivated any domestic fruit whatever, and which is kept for such purpose, or shall injure any building, trellis, framework, or any appurtenance belonging to or upon any such field or inclosure, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished as is in such case provided by law. § 2, same ch.

Willful destruction of trees, vines, &c., and injury to buildings, &c., connected therewith, a misdemeanor.

§ 1987. It shall be lawful for the owner of any orchard, fruit garden, vineyard or any field or inclosure wherein is cultivated any domestic fruit whatever, or for any person employed in the cultivation of or rightfully in the possession of any such field or inclosure, to arrest and detain in custody, and convey before any magistrate of the county wherein such arrest is made, any person who may be found violating any or either of the provisions of this act. § 3, ch. 645, 1868.

Owners of orchards, &c., may arrest persons violating this act.

§ 1988. All fines imposed under the provisions of this act, when collected, shall be paid, one-half to the owner of the field or inclosure wherein the offense was committed, and one-half to the overseer of the poor for the use of the poor of the county in which conviction is had,

Fines for the benefit of the poor.

* An act to provide for the more effectual protection of fruit growers against trespassers. Passed May 6, 1868; three-fifths being present.

dollar for every sheep or goat so found, to be recovered by civil action by any inhabitant of the town, in his own name, or in the name of the overseer of the poor of the town, or by the proceedings hereinafter provided. § 1, ch. 459, 1862, as amended by § 1, ch. 814, 1867, and by § 1, ch. 424, 1869.

How recovered.

§ 1990. It shall be lawful for any person to seize and take into his custody, and retain till disposed of as required by law, any animal which may be in any public highway and opposite to land owned or occupied by him, contrary to the provisions of the foregoing section, or of any animal which may be trespassing upon premises owned or occupied by him. § 2, ch. 459, 1862, as amended by § 2, ch. 814, 1867.

Seizure of cattle running at large.
35 N.Y. 302;
47 Barb.
522; 44
Barb. 472;
54 Barb.
522; 38
How. 126.

§ 1991. Whenever any such person, or any officer, shall seize and take into his possession any animal under the authority of the preceding sections, it shall be the duty of such person or officer to make immediate complaint in writing, under oath, stating the facts, to a justice of the peace of the town in which such seizure occurred; and such justice shall thereupon have jurisdiction to hear and determine such matter, and shall thereupon proceed in the same manner as in civil actions, except as specially changed in this act, and shall forthwith issue a summons, under his hand, stating the fact of such seizure and complaint, and requiring the owner of such animal, or any party having an interest in the same, to show cause before such justice, at a time and place to be specified in said summons, why said animal should not be sold and the proceeds applied as directed by this act; such time shall not be less than ten nor more than twenty days from the issuing of such summons. The said summons may be served by any constable of the said town, or by any elector thereof authorized so to do by the said justice, in writing thereon; such service shall be made by posting the same in at least six public and conspicuous places in said town, and one of said places shall be the nearest district school-house, unless the said seizure shall have been made within the bounds of an incorporated village, having the schools in charge of a board of education, and in such case one of such notices shall be posted in one of the buildings in which such schools are taught. At the time and place appointed for the return of said summons, the complainant aforesaid may appear, and any party or person owning or having an interest in said animal, or his agent duly authorized, shall be allowed by the said justice to appear in said proceeding; and on his filing with said justice an answer under oath, subscribed by him or his agent aforesaid, denying any or all the facts alleged in said complaint, an issue shall be deemed joined in the said pro-

Proceedings after seizure.

Complaint

Summons.

Service of summons.

Posting of summons.

Hearing of complaint.

When sale of animals to be made; in what mode.	ceeding, and the subsequent proceedings shall be as in civil actions, so far as they can be, unless otherwise provided in this act. If no one shall appear to show cause, and the said summons shall be returned by a constable duly served, or by proof showing that fact, if served by any person other than a constable, or if the jury or the justice shall find, after a trial, that no sufficient cause is shown why such sale should not be made as directed by this act, then the said justice shall issue his warrant, under his hand, directed to any constable of the said town, commanding him to sell the said animal at public auction for the best price he can obtain therefor, and make return thereof to the said justice, at a time and place therein specified, not less than ten nor more than twenty days thereafter. The said sale shall be made on the like notice as on constable's sale on civil process; and the said constable shall make return as required by the said warrant, and pay the proceeds of said sale to said justice. The said justice shall thereupon adjudge the costs of said proceedings, the same amounts being allowed as in civil actions; and in addition he shall allow to the party or officer making such seizure, for every horse or colt, one dollar; for every cow, calf or other cattle, each fifty cents, and for every goat, sheep or swine, twenty-five cents, together with the actual damages sustained by such party by reason of the trespass or breaking of such animal into his premises, and a reasonable compensation to such person or officer, to be estimated by such justice, for the care and keeping of such animals, from the time of the seizure thereof to the sale; and the said justice shall be allowed the sum of one dollar for each animal so sold; and the constable the same fees as for service of a summons and execution in civil actions. And the penalty in the foregoing sections prescribed shall be paid to the overseers of the poor or the officer or board having the support of the poor in charge. If, after paying the sums aforesaid, there shall be any surplus of the proceeds of said sale, the said justice shall pay the same to the owner or party establishing before him on the return of said summons, or at such other time as he shall appoint, the right to the same. If no person shall claim said surplus within one year after such seizure, the said justice shall pay the same to the overseers of the poor of such town, or the officer or board aforesaid, for the benefit of the poor thereof. If such owner or party interested shall not appear and demand such surplus within said year, he shall be forever precluded from recovering any part of such moneys, and the receipt of the overseers of the poor of said town, or officer or board aforesaid, given at any time after the expiration of said year, shall be a
Costs.	
Fees.	
To whom penalty to be paid.	
To whom surplus to be paid.	
Within time, owner must demand surplus, and when same to be paid to poor officers.	

full discharge to said justice for the same. § 3, ch. 459, 1862, as amended by ch. 814, 1867.

§ 1992. Any owner of any animal which shall have been seized under and pursuant to the foregoing provisions may, at any time before the justice aforesaid shall proceed to the hearing on the return of said summons, demand, and shall be entitled to, the possession of such animal, upon the payment to said justice of the several sums hereinbefore required to be paid to the said justice and constable, and to the person or officer by whom the seizure aforesaid shall have been made, and the penalty aforesaid, when such seizure is made by any officer, together with a reasonable compensation to the person or officer making such seizure, for the care and keeping of such animal, to be ascertained and fixed by such justice, and upon making to such justice satisfactory proof of ownership; and if such owner shall not have appeared upon said return day, and shall excuse such non-appearance to the satisfaction of said justice, and shall make such demand at least three days before the time appointed for such sale, he shall be entitled to the custody and possession of such animal, upon paying one-half of the several sums above stated, together with the whole amount of penalty, compensation and damages which the said justice shall then adjust and award. § 4, same ch., as amended.

When owner is entitled to animal before hearing.

When owner is entitled to animal after hearing and before sale.

§ 1993. In case the animal so seized under the foregoing provisions of this act shall have been so running at large or trespassing, or been herded or pastured by the willful act of any other person than the owner, to effect that object, such owner shall be entitled to the possession of such animal, at any time before the actual hearing shall be commenced on the return of said summons, on making the demand therefor, and the proof required in the next preceding section, and on paying to such person or officer making such seizure the amount of compensation fixed by such justice, for the care and keeping of such animal, and without paying any other charges; and the person committing such willful act shall be liable to penalty of twenty dollars, to be recovered in an action at law, at the suit of the owner of such animal, or the person or officer making such seizure. § 5, ch. 459, 1862, as amended by § 5, ch. 814, 1867, and by § 2, ch. 424, 1869.

Penalty, &c., when animal has been set at large by person not the owner.

§ 1994. An appeal may be taken by either party who shall have appeared and contested in said proceeding before such justice, to the county court; and all laws relating to appeals from judgments of justices' courts, and the jurisdiction, powers and duties of county courts to hear and determine such appeals, and the proceedings therein, shall be applicable to said appeals, so far as the same can be applied and are consistent with this act.

Appeal to the county court.

Within
what time
appeal to
be taken,
&c.

Such appeal can only be taken from the finding or determination that cause exists or does not exist for the sale aforesaid, and must be taken within ten days after such finding or determination; and such appeal when made by a claimant shall not be effectual for any purpose unless the undertaking required on appeals to the county court contains a clause that in case the finding or determination shall be affirmed, the claimant will pay all such sums as the said justice shall determine and adjudge for the costs, penalties and allowances so as aforesaid authorized to be made. In case of an affirmance by the county court, said court shall appoint a time and place when said justice shall adjust the same, and such adjustment shall be made in the manner and for the sums hereinbefore specified. In case such undertaking is given and approved by the said justice, he shall forthwith direct the said sale not to be had, and shall order the said animal to be delivered to the appellant, if it shall appear to him that he is the owner, or entitled to the possession thereof. § 6, ch. 459, 1862, as added by § 6, ch. 814, 1867.

When per-
son seizing
to pay
costs and
damages.

§ 1995. In case any person making such seizure shall fail on said hearing to show cause sufficient to obtain such sale, the said justice shall render judgment against him for costs. And if the jury or said justice shall find from the evidence that such seizure was malicious and without probable cause, the jury or the justice may assess the amount of damages sustained by the owner, by means of such seizure, and judgment shall in such case be given for double the amount assessed, with costs. § 7, ch. 459, 1862, as added by § 6, ch. 814, 1867.

Inconsist-
ent acts.

§ 1996. All acts or parts of acts inconsistent herewith are hereby repealed. § 8, ch. 459, 1862, as amended by § 8, ch. 814, 1867.

Limitation
of actions.

§ 1997. Actions, for any cause of action arising out of any proceeding had or taken, or attempted to be had or taken, under the provisions of said act [chapter 459, 1862], entitled "An act to prevent animals from running at large in the public highways," passed April twenty-third, eighteen hundred and sixty-two, can only be commenced within one year after the cause of action shall have accrued. § 7, ch. 814, 1867.

Act, when
to take
effect.

§ 1998. This act shall take effect immediately, but shall not affect actions now pending. § 9, same ch.

ARTICLE THREE.

GAME LAWS.

- SECTION 1999.** Killing or pursuing of deer, moose, &c., regulated ; not to be hunted with dogs ; penalties.
- 2000-2003.** Regulating the killing of wild ducks, geese, brant, or other wild fowl ; penalties for violating provisions of.
- 2004.** Woodcock, killing or sale of regulated ; penalty.
- 2005.** Quail, regulations relating to killing or sale of ; penalty.
- 2006.** Partridge, or prairie chicken, killing and sale of regulated ; penalty.
- 2007.** Penalty for killing eagles, woodpeckers and certain other birds.
- 2008.** Robins, brown thrashers, &c., to be killed only during certain months ; penalty.
- 2009.** Exceptions to the last preceding section.
- 2010.** Birds' nests, penalty for destroying or robbing.
- 2011.** Wild pigeons, when and how far protected.
- 2012.** Partridge or quail, penalty for snaring or trapping.
- 2013.** Sunday hunting, shooting and trapping prohibited ; penalty.
- 2014.** Hunting and fishing on private grounds, when trespass and prohibited ; penalty.
- 2015.** Notice of owner forbidding such trespass, how to be given.
- 2016.** Deposit of coal tar, refuse from gas-houses, &c., in streams, prohibited ; penalty ; exceptions.
- 2017.** Speckled trout, how, only, may be taken ; penalty.
- 2018.** Speckled trout to be killed or exposed for sale, when only ; penalty ; exception.
- 2019.** Salmon or lake trout, when and how, only, may be killed or exposed for sale ; penalty ; exceptions ; fish in lakes in Westchester and Putnam counties, when, only, to be taken.
- 2020.** Black bass, Oswego bass and muskallonge, when, only, to be taken or exposed for sale ; exceptions ; penalty.
- 2021.** Catching of bass, trout, or other fish, by shutting or drawing off waters in any stream or pond, or by small nets or seines, prohibited ; penalty.
- 2022.** Pound, seine, trap-net or set net, use of prohibited in certain waters ; period of prohibition and penalty.
- 2023.** Catching fish or angling with any device, except with hook and line, or with a spear, prohibited in certain rivers, streams and lakes ; penalty.
- 2024.** Oil creek reservoir, &c., taking of fish in prohibited ; exceptions after two years ; penalty.
- 2025.** Purse-nets, use of prohibited in counties of Queens and Suffolk, &c. ; penalty.
- 2026.** Prohibitions in regard to taking, and the manner of taking, fish in certain other waters ; kinds of nets to be used, and size of meshes ; shad fishing in Hudson river protected ; penalties.

RELIEF OF THE POOR.

- SECTION 2027.** Fish in Conesus, Hemlock and Silver lakes, how and when, only, may be caught; penalties for violation of provisions of section, and how recovered.
2028. Dams on fluvial waters to be provided with sluiceway for passage of fish; how to be constructed; penalty and how recovered.
2029. Game constable, supervisors may authorize election of; how elected; powers and duties of; penalty for non-performance.
2030. Supervisors empowered to make additional regulations for protection of birds, fish or game; publication of such regulations.
2031. Possession of prairie chickens and partridges or quails from 1st January to 1st March allowed, on proof that they were killed outside of the State, or within the legal period.
2032. Exceptions of parts of Lake Ontario and St. Lawrence river from provisions of act.
2033. Proof by express companies, &c., as to possession of inhibited articles.
2034. Arrests for violations of act, and search for inhibited articles authorized; powers and duties of certain judicial officers in the city of New York in regard thereto.
2035. Failure to pay penalties; imprisonment therefor.
2036. Penalties, how recovered; when collected, half to go to support of poor and half to informer; duties of district attorneys.
2037. Wolves and panthers, State bounty for killing; claim for, how to be proved and paid.
2038. Snares, nets, &c., used in unlawfully taking fish; penalty for possession of without permission of commissioners of fisheries; Hudson river south of Troy dam excepted.
2039. Lime, drugs or medicated bait, use of for poisoning or catching fish prohibited in fresh water streams, &c.; penalties.
2040. Inconsistent acts repealed.
2041. Delaware and Chenango counties excepted from provisions of §§ 2014, 2015 and 2029.
2042. Section 4, ch. 567, Laws of 1870, relating to commissioners of fisheries, amended.
2043. Limitations of ch. 567, Laws of 1870, in relation to certain waters of Queens and Suffolk counties.
2044. Eels in Jamaica bay, use of fykes or pots for taking prohibited during certain periods.
2045. Act when to take effect.
2046. Commission of fisheries established.
2047. Duties of commissioners.
2048. Additional duties of commissioners.
2049. Commissioners, who to be; expenses of commission.
2050. Vacancies in office of commissioners; how to be supplied; commissioners' term of office extended; appropriation, and duty of state treasurer and comptroller in respect thereto.
2051. Certain fish-ways in state dams in Hudson river to be constructed and maintained; such construction to be under the fish commissioners; appropriation.

§ 1999. No person shall kill or pursue, in the counties of Kings, Queens and Suffolk, any deer, during a period of five years from the passage of this act. No person shall kill or pursue in any other part of this state, any moose, elk, cariboo or wild deer, save only during the months of August, September, October and November. No person shall have in his possession, or offer for sale, or transport, any moose, cariboo, elk or wild deer, or fresh venison, save only during the months of August, September, October, November and December. No person shall at any time kill any fawn during the time when it is in its spotted coat, or have the fresh skin of such fawn in his possession. No person shall pursue any wild deer with dogs in any county of this state lying north of the Mohawk river, or shall kill in the water any deer or fawn which has been driven into such water by dogs. No person shall in any part of this state still-hunt, or set any trap or other device at any artificial salt-lick or other place, for the purpose of trapping any deer or fawn and kill the same, excepting for consumption in his own family.

Killing of moose, deer, &c., on Long Island.
Residue of state.

Certain periods excepted.
Fawns.

Hunting with dogs, &c., forbidden.

Any person offending against any of the preceding provisions of this section shall be liable to a penalty of fifty dollars for each moose, elk, cariboo, deer or fawn so killed or pursued or trapped, or moose, elk, deer, cariboo or fawn skin had in his possession; and may be proceeded against in any county of the state; provided, however, that any person may sell or have in possession the moose, elk, cariboo or deer aforesaid, between the first day of January and the first day of March, without liability to the penalties herein provided, in case he shall prove that such game was killed outside the limits of this state, and at some place where the law did not prohibit such killing. Dogs pursuing moose, elk, cariboo and deer may be killed by any person and the game constable or other town official may kill any dog that habitually pursues moose, elk, cariboo or deer, and the owner of such dog shall be liable to a penalty of ten dollars for such moose, elk, cariboo or deer killed by such dog. § 1, ch. 721, 1871.

Penalty.

Proviso.

Dogs may be killed; penalty against owner.

§ 2000. No person shall kill or expose for sale, or have in his or her possession, after the same has been killed, any wild duck, goose or brant between the first day of May and the first day of September, under a penalty of twenty-five dollars for each bird killed or had in possession. § 2, same ch.

Ducks, &c. not to be killed during certain periods.

§ 2001. No person shall at any time kill any wild duck, goose or brant with any device or instrument known as a swivel or punt gun, or with any gun other than such guns as are habitually raised at arm's length and fired from the shoulder; or shall use any net, device or instru

Use of swivel gun prohibited.

- ment, or gun other than such gun aforesaid, with intent to capture or kill any such wild duck, goose or brant, under a penalty of one hundred dollars. § 3, same ch.
- Wild fowl, sailing for or shooting from vessel prohibited.** § 2002. No person shall sail for any wild fowl, or shoot at any wild goose, brant or duck, from any vessel propelled by steam or sails, or from any boat or structure attached to the same, under a penalty of ten dollars. § 4, same ch.
- Floating battery, prohibited.** § 2003. No person shall use any floating battery or machine for the purpose of killing wild fowl, or shoot out of any such floating battery or machine at any wild goose, brant or duck, under a penalty of one hundred dollars for each offense. § 5, same ch.
- Woodcock killing or sale of, when prohibited.** § 2004. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any woodcock, between the first day of February and the fifteenth day of July, under a penalty of fifty dollars for each bird. § 6, same ch.
- And quail.** § 2005. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any quail, between the first day of January and the twentieth day of October, under a penalty of twenty-five dollars for each bird. § 7, same ch.
- Prairie chickens and partridges also.** § 2006. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any ruffed grouse, commonly called partridge; or pinnated grouse, commonly called prairie chicken, between the first day of January and the first day of September, under a penalty of twenty-five dollars for each bird. § 8, same ch.
- Killing eagles, night-hawks, song birds, &c., forbidden.** § 2007. No person shall at any time within this state kill or expose for sale, or have in his or her possession after the same is killed, any eagle, woodpecker, night-hawk, sparrow, yellow-bird, wren, martin, oriole or bobolink, or other song-bird, under a penalty of five dollars for each bird. § 9, same ch.
- And robins, &c., when.** § 2008. No person shall kill or expose for sale, or have in his possession after the same has been killed, any robin, brown thrasher, meadow lark or starling, save only during the months of August, September, October, November and December, under a penalty of five dollars for each bird. § 10, same ch.
- Ornithologists excepted, and fruit may be protected.** § 2009. The last two sections shall not apply to any person who shall kill any bird for the purpose of studying its habits or history, or having the same stuffed and set up as a specimen; or to any person who shall kill on his own premises any robins in the act of destroying fruits or grapes. § 11, same ch.
- Robbing birds' nests.** § 2010. No person shall destroy or rob the nest of any wild birds whatever, under a penalty of twenty-five dollars for each offense. § 12, same ch.

§ 2011. No person shall kill, catch or discharge any fire-arms at any wild pigeon while on its nestling ground, or break up, or in any manner disturb such nestling ground, or the birds therein, or discharge any fire-arm at any distance within one-fourth of a mile of such nestling place at any pigeon, under a penalty of twenty-five dollars for each offense. § 13, same ch.

Wild pigeons not to be killed at or near nestling places.

§ 2012. No person shall, at any time or place within this state, take any ruffed grouse, commonly called partridge, or any quail, with any trap or snare, under a penalty of twenty-five dollars for each bird, except upon his own grounds. § 14, same ch.

Partridges and quails.

§ 2013. There shall be no hunting or shooting, or having in possession in the open air the implements for shooting, on the first day of the week called Sunday, and any person violating the provision of this section shall be liable to a penalty of not more than twenty-five dollars, nor less than ten dollars, for each offense. § 15, same ch.

Hunting on Sunday prohibited.

§ 2014. Any person who shall knowingly trespass upon lands for the purpose of shooting, hunting or fishing thereon, after public notice by the owner or occupant thereof, as provided in the following section, shall be liable to such owner or occupant in exemplary damages to an amount not exceeding one hundred dollars, and shall also be liable to such owner or occupant for the value of the game killed or taken. The possession of implements of shooting or fishing shall be presumptive evidence of the purpose of the trespass. § 16, same ch.

Trespass on lands for hunting or fishing; notice against by owner.

§ 2015. The notice referred to in the preceding section shall be given by erecting and maintaining sign-boards, at least one foot square, in at least two conspicuous places on the premises; such notice to have appended thereto the name of the owner or occupant, and any person who shall tear down, or in any way deface or injure, any such sign-board shall be liable to a penalty of one hundred dollars. § 17, same ch.

Notice, how to be given.

§ 2016. No person or corporation shall throw or deposit, or permit the same to be thrown or deposited, any coal tar, refuse from gas-houses, or other deleterious substance, or cause the same to run or flow into or upon any of the rivers, lakes, ponds or streams of this state, under a penalty of fifty dollars for each offense, in addition to liability for all damage he may have done; but this section shall not apply to streams of flowing water which constitutes the motive power of the machinery of manufacturing establishments, where it is necessary for the manufacturing purposes carried on in such establishment, to throw from, or run the refuse matter and material thereof into such stream. § 18, same ch.

Deposit of coal tar, &c., in streams, penalty for.

Exceptions.

- Trout, how to be caught, except for propagation. § 2017. No person shall at any time catch any speckled trout with any device save with a hook and line, except for the purposes of propagation, as hereinafter provided, or place any set lines in waters inhabited by them, under a penalty of fifty dollars for each offense. § 19, same ch.
- Trout, when to be caught or sold for propagation. § 2018. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any speckled trout, save only from the fifteenth day of March to the fifteenth day of September, under a penalty of twenty-five dollars for each fish. But this section shall not prevent any person from catching trout with nets in waters owned by them to stock other waters. § 20, same ch.
- Salmon trout, when, and how. § 2019. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any salmon trout, or lake trout, in the months of October, November, December, January and February, under a penalty of ten dollars for each fish, except that in Otsego lake fish may be caught or killed by hook and line only, but they may be had alive for artificial propagation, or the stocking of other waters. Nor shall fish be taken from the lakes in Westchester and Putnam from the first day of November to the first day of April. § 21, same ch.
- Exception. Fish in lakes in Westchester and Putnam. § 2020. No person shall kill or expose for sale, or have in his or her possession after the same has been killed, any black bass, Oswego bass, or muskallonge, between the first day of January and the twentieth day of May, except alive, for artificial propagation or the stocking of other waters, under a penalty of ten dollars for each offense. § 22, same ch.
- Catching fish by drawing off waters, or with drag nets or seines. § 2021. No person shall catch any bass, trout or other fish, in any of the waters of this state, by shutting or drawing off any portion of said waters, or by dragging or drawing small nets or seines therein, when the water shall be wholly or in part drawn off in any of the ponds, lakes, rivers, streams and the waters surrounding Staten Island, under a penalty of twenty-five dollars for each offense. § 23, same ch.
- Use of pounds, weirs, &c., in certain lakes forbidden. § 2022. No person shall set, or assist in setting or using, any pound, weir, seine, trap-net or set-net in the waters of Oneida and Onondaga lakes, or Keuka, commonly called Crooked lake, or in any of their outlets, inlets or tributaries, at any time during the term of ten years from the passage of this act, under a penalty of fifty dollars for each offense. § 24, same ch.
- In certain rivers and counties. § 2023. No person shall kill or catch any fish in the Mohawk or Clyde rivers, Irondequoit bay, in the county of Monroe, or in the inlets thereof, or the lakes in the

counties of Westchester, Rockland, Wyoming, Columbia, Ulster, Genesee, Orange, Putnam, Herkimer, Rensselaer, Sullivan, Tioga, Cortland, Broome and Livingston, by any trap, dam, weir, net, seine, or by any device whatever, other than that of angling with hook and line or with a spear, under a penalty of twenty-five dollars for each offense. § 25, same ch.

§ 2024. It shall not be lawful for any person or persons to take or catch fish of any kind or in any manner, after the passage of this act, in the waters of the Oil creek reservoir, in the counties of Allegany and Cattaraugus, or from the streams tributary thereto, at any place within the distance of one mile from the inlet of such streams into said reservoir at high-water mark, under a penalty of ten dollars for each fish so caught or taken, but such fish may be caught and taken after the expiration of two years from the passage of this act in any other manner than by nets, baskets or seines. § 26, same ch.

Oil creek reservoir, fishing in prohibited.

§ 2025. It shall be unlawful for any person to use any purse-net for the catching of fish in any of the waters within the jurisdiction of this state, lying easterly of the boundary line between the counties of Queens and Suffolk, excepting the waters of Long Island sound, Gardner's bay and little Peconic bay, under a penalty of two hundred dollars for each offense. § 27, same ch.

Purse-net, use of prohibited.

§ 2026. No person shall, at any time, take any fish with a net, spear or trap of any kind, or set any trap, net, weir or pot, with intent to catch fish, in any of the fresh waters or canals of this state, except as hereinbefore or hereinafter provided; nor shall it be lawful, at any time, to draw any seine or net, for the taking of fish, in any portion of Flushing bay or its branches, nor in lake Canandaigua, Cayuga, Onondaga, Champlain, or the inlets thereof; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of twenty-five dollars for each offense; but suckers, catfish, bullheads, bony fish or moss bunkers, eels, white fish, shad, herring and minnows, are exempted from the operation of this section, also pike, in all waters save those lying in Columbia county and Cayuga lake; provided, however, that nothing in this section shall be so construed as to legalize the use of gill nets in any of the inland waters or canals of this state, nor seines or nets of any kind in the waters of Otsego lake, except from the first day of March to the last day of August, and no gill nets except during the months of July and August. But no such seine or net shall have meshes less than two inches in size, and in the Hudson river the meshes of all gill nets and set nets shall be not less than

Use of nets, spears, &c. when and where prohibited.

In Flushing bay and certain lakes.

Suckers, bullheads, eels, white fish, &c., excepted.

Gill nets, when and where use of illegal.

Meshes of nets, size of, in Hudson river, &c.

Injury to shad fisheries in Hudson and East rivers, penalties for.	four and one-half inches in size each, and those of fykes set in any of the waters surrounding Long Island, Fire Island, Staten Island, and the bays and salt water estuaries and rivers approaching thereto, to be not less than four and one-half inches in size; and any person who shall willfully injure or destroy, by grappling or otherwise, any nets used in the Hudson or East rivers, for the purpose of catching shad, shall be liable to a penalty of twenty-five dollars for each offense, and, in default of payment thereof, shall be imprisoned in the county jail of the county within whose jurisdiction the offense may be committed for not more than thirty days. All drawing of seines in the Susquehanna river is prohibited. § 28, same ch.
Fish in Conesus, Hemlock and Silver lakes, how to be taken.	§ 2027. It shall be unlawful for any person or persons to take, catch or procure in or from Conesus lake, Hemlock lake and Silver lake, or the inlets or outlets thereof, lying within the counties of Livingston, Ontario and Wyoming, any fish, except minnows, with or by any means or device other than a hook and line. And no
Pickerel, muskallonge, &c., when.	person shall, in any manner whatever, take or catch from the waters of said lakes, or the inlets or outlets thereof, any pike, pickerel, muskallonge, salmon trout, black bass or rock bass between the first day of January and the
Sale of fish unlawfully taken.	first day of May. No person shall knowingly sell, or offer for sale, any fish caught in or from said lakes, or the inlets or outlets thereof, contrary to the provisions of this section; and it shall be unlawful for any person knowingly to purchase any fish so taken in or from said lakes, or inlets or outlets. Whoever shall violate any foregoing provisions of this section shall be deemed guilty of a misdemeanor, and shall also be subject to a penalty for each offense of not less than fifteen nor more than fifty
Penalties, how recovered.	dollars, to be recovered in a civil action with costs, as hereinafter provided. All fines or penalties imposed under the provisions of this section may be recovered, with costs of suit, by any person or persons, in his or their own names, by an action in the supreme court or any court of record of this state, which action shall be governed by the same rules as other actions in said supreme court or other court of record, except that, in a recovery by the plaintiff or plaintiffs, in such suit in said court, of less than fifty dollars, the plaintiff shall be entitled to costs not exceeding the amount of such recovery.
Imprisonment for non-payment.	On the non-payment of any judgment recovered in pursuance hereof, the defendant shall be committed to the common jail of the county in which such action shall be brought, for the period which shall be computed at the rate of one day for each dollar of the amount of judg-

ment, not to exceed thirty days. Any penalties, when collected, shall be paid by the court before which recovery shall be had, one-half to the commissioners of fisheries of the state of New York, and the remainder to the plaintiff or plaintiffs. § 29, same ch.

Money collected for to whom paid.

§ 2028. Every person building or maintaining a dam upon any of the fluvial waters of this state, which dam is higher than two feet, shall likewise build and maintain during the months of March, April, May, September, October and November, for the purpose of the passage of fish, a sluice-way in the said channel at least one foot in depth at the edge of the dam, and of proper width, with four inch square cross pieces upon the bottom of the sluice-way three feet apart, which sluice-way shall be placed at an angle of not more than seven degrees, and extending entirely to the running water below the dam, and which sluice-way shall be protected on each side by an apron at least one foot in height, to confine the water therein.

Dams on fluvial waters to have sluiceways for passage of fish.

Every person violating the provisions of this section shall, for each month's violation thereof, forfeit the sum of twenty-five dollars, to be recovered by and in the name of the overseer of the poor of any town adjoining the stream upon which such neglect shall happen. § 30, same ch.

Penalty.

§ 2029. It shall be lawful for the boards of supervisors of the several counties of the state, by the affirmative vote of a majority of the members elected, at a regular meeting of such boards respectively, to authorize the election, in each or any of the towns of their respective counties, of an officer to be designated the game constable, who shall be chosen at town meetings as other town officers are chosen, and hold office for the term of one year; and he shall take the oath of office the same, and be vested with and have the same powers in serving process under this act that town constables now possess in serving civil process. It shall be the duty of the game constable, after reliable information, to prosecute all violations of this act; and he shall receive such compensation for his services as is allowed by law for like services to constables of towns, and also one-half of all penalties recovered by him for violations of this act. In case of neglect or refusal of any game constable to prosecute any such violation, he shall forfeit the penalty of twenty-five dollars, to be sued for and recovered as specified in this act. Whenever any game constable shall fail to recover the penalty in any prosecution commenced by him pursuant to this section, the costs of suit incurred by him shall be a charge against the county, and it shall be the duty of the board of super-

Game constable, supervisors may authorize election of.

Powers and duties of.

Penalty for neglect of duties.

- visors of the county to audit and allow the same, as other county charges are audited and allowed. § 31, same ch.
- Supervisors may make additional regulations for protection of birds, fish and game.** § 2030. It shall be lawful for the board of supervisors of any county to make any regulations protecting other birds, fish or game than those mentioned in this act, and such ordinance shall be published in a paper in such county, in which the session laws are published, and in the state paper, before going into effect. § 32, same ch.
- Prairie fowl, when may be sold if killed without the state.** § 2031. Any person may sell or have in his or her possession any pinnated grouse, commonly called prairie chicken, ruffed grouse, commonly called partridge or quail, from the first day of January to the first day of March, and shall not be liable to any penalty under this act, provided he proves that such birds or game were killed within the period provided by this act, or were killed outside the limits of this state, at some place where the law did not prohibit such killing. § 33, same ch.
- Lake Ontario and St. Lawrence river excepted from provisions of act.** § 2032. Nothing in this act contained shall apply to fish caught or to the taking of fish in the waters of Lake Ontario, or any of its bays or estuaries within the counties of Oswego, Wayne, Jefferson and St. Lawrence, nor to the catching of fish in any way in the St. Lawrence river. § 34, same ch.
- Proof by express companies as to possession of inhibited articles.** § 2033. In all prosecutions under this act, against common carriers or express companies, it shall be competent for them to show that the prohibited article in his or her possession came into such possession in another state, or from beyond the United States, at some place where the law did not prohibit the possession; and such evidence shall be a valid defense to the prosecution. § 35, same ch.
- Arrest of non-resident offenders in city of New York.** § 2034. Any justice of the marine or district court in the city of New York, or any justice of the peace, police or other magistrate, upon receiving sufficient security for costs on the part of the complainant, and sufficient proof by affidavit that any of the provisions of this act have been violated by any person being temporarily within his jurisdiction, but not residing there permanently, or by any person whose name and residence are unknown, is hereby authorized to issue his warrant for the arrest of such offender, and to cause him to be committed or held to bail to answer the charge against him; and any such justice or magistrate, upon receiving proof of probable cause for believing in the concealment of any game or fish mentioned in this act, during any of the periods prohibited, shall issue his search warrant and cause search to be made in any house, market, boat, car or other building, and for that end may cause any apartment, chest, box, locker, crate or basket to be broken open and the contents examined. Any court of special sessions is
- Right of search.**

hereby invested with jurisdiction to try and dispose of all and any of the offenses against the provisions of this act occurring in the same county. § 36, same ch.

§ 2035. In case of failure by any person to pay the penalty imposed upon him, pursuant to this act, he shall be committed to the common jail of the county for a period of not less than five days, and at the rate of one day for every dollar of the judgment, when the same exceeds five dollars. § 37, same ch.

Imprisonment when penalty not paid.

§ 2036. All penalties imposed by this act may be recovered, with costs of suit, by any person, in his own name, before a justice of the peace, in the county where the offense was committed, or where the defendant resides, where the amount recovered does not exceed the jurisdiction of such justice, or, when such suit shall be brought in the city of New York, before any justice of the district court or of the marine court of said city; and such penalties may be recovered in the like manner in any court of record in the state, but on a recovery by the plaintiff in such case for a less sum than fifty dollars, the plaintiff shall only be entitled to costs to an amount equal to the amount of such recovery; and it shall be the duty of any district attorney in this state, and he is hereby required, to commence actions for the recovery of the penalties allowed hereby, upon receiving proper information, and in all actions brought by such district attorney, one-half of the penalty recovered shall belong to the person giving information on which the action is brought, and the other half shall be paid to the treasurer of the county for the support of the poor. § 38, same ch.

Penalties, how recovered.

Costs.

Duty of district attorney. Penalties collected half to go to support of poor and half to informer.

§ 2037. A state bounty of thirty dollars for a grown wolf, fifteen dollars for a pup wolf, and twenty dollars for a panther, shall be paid to any person or persons who shall kill any of said animals within the boundaries of this state. The person or persons claiming said bounty shall prove the death of the animal so killed by him or them, by producing satisfactory affidavits and the skull and skin of said animal, before the supervisor and one of the justices of the peace of the town within the boundaries of which the said animal was killed. Whereupon said supervisor and justice of the peace, in the presence of each other, shall burn and destroy the said skull, and brand the said skin, so that it may be thereafter identified, and issue, to the person or persons claiming and entitled to the same, an order on the treasurer of the county to which said town belongs, stating the kind of animal killed, the date of the killing of the same, and the amount of the bounty to be paid, in virtue of the within section of this act; and the county treasurers of this state are hereby authorized and directed to pay all orders issued as

Wolves and panthers; state bounty for killing.

Claim for, how to be proved.

How paid. aforesaid; and all orders issued in the manner aforesaid, and paid by the treasurer of any county in this state, shall be a charge of said county against the state, the amount of which charge, on delivery of proper vouchers, the comptroller is hereby authorized and directed to allow in the settlement of taxes due from said county to the state. § 30, same ch.

Possession of devices for unlawful taking of fish. § 2038. Any person having in his or her possession, on the shores of any lake, or on the banks of or upon any waters inhabited by salmon, salmon-trout, lake-trout or brook-trout, black or Oswego bass or muskallonge, during the closed season, without the permission of the commissioners of fisheries, any snares, nets, stake-poles or other devices used in unlawfully taking such fish, shall be liable to a penalty of fifty dollars; but nothing herein contained shall apply to that portion of the Hudson river south of the dam at Troy. § 40, same ch.

Exception. § 2039. No person shall place in any fresh water stream, lake or pond, without the consent of the owner, any lime or other deleterious substance, or any drug or medicated bait, with intent thereby to injure, poison or catch fish; nor place in any pond or lake, stocked with or inhabited by trout, bass, pike, pickerel or sunfish, any drug or other deleterious substance, with intent to destroy such trout or other fish. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, in addition thereto, and in addition to any damage he may have done, be liable to a penalty of one hundred dollars. § 41, same ch.

Placing of lime or drugs in fresh water streams, &c., prohibited. § 2040. All acts and parts of acts, the provisions of which are superseded by this act, or related to the same subject, or which are inconsistent with the same, are hereby repealed. § 42, same ch.

Or certain fish with intent to destroy trout, &c. § 2041. The counties of Delaware and Chenango are excepted from the operations of sections sixteen, seventeen and thirty-one. § 43, same ch.

Counties excepted. § 2042. The fourth section of chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy, entitled "An act to amend an act entitled 'An act to appoint commissioners of fisheries for the state of New York,'" passed April twenty-second, eighteen hundred and sixty-eight, is hereby amended by adding thereto the words "or the waters of Gravesend bay and those lying easterly from the line drawn from the extreme west point of Coney Island to Fort Lafayette, nor to the county of Suffolk." § 44, same ch.

Section 4, ch. 567, laws of 1870, amended. § 2043. Nothing in chapter five hundred and sixty-seven of the laws of eighteen hundred and seventy shall apply to or affect the setting or using of any pound, weir, set or fly-net by any person in any of the salt waters

Limitations of same chapter.

within the jurisdiction of this state, lying easterly of the boundary line between the counties of Queens and Suffolk.
 § 45, same ch.

§ 2044. It shall not be lawful for any person to take eels in fykes or pots at any time between the first day of October and the first day of March in any year, in the waters of Jamaica bay. § 46, same ch.

Fykes or pots in Jamaica bay.

§ 2045. This act shall take effect on the first day of May, eighteen hundred and seventy-one, except as herein otherwise provided. § 47, same ch.

When act takes effect.

§ 2046. A commission of fisheries for the state of New York is hereby established. § 1, ch. 285,* 1868.

Commission of fisheries.

§ 2047. It shall be the duty of the commissioners to examine the various rivers, lakes and streams of the state of New York, and the waters adjoining the same, with a view of ascertaining whether they can be rendered more productive of fish, and what measures are desirable to effect this object, either in restoring the production of fish in them or in protecting or propagating the fish that at present frequent them, or otherwise; and such commissioners shall report the result of their labors, and any recommendation they may have to offer, at the next meeting of the legislature of this state. § 2, same ch.

Duty of commissioners.

Report to legislature.

§ 2048. The act entitled "An act to appoint commissioners of fisheries," is hereby amended to the following effect: That it shall be the duty of the commissioners, in addition to the duties imposed upon them by said act, [ch. 285, 1868], to establish the artificial propagation of shad, white fish and salmon trout, in the waters of this state, at such point or points as they may select, and to employ the necessary labor to conduct the same, and to take such other steps toward improving the fisheries of this state as they shall think advisable, at an expense in all, however, not exceeding the sum hereby appropriated. § 1, ch. 567,* 1870.

Additional duties.

Artificial propagation of fish to be established.

§ 2049. Horatio Seymour, Seth Green and Robert B. Roosevelt are appointed commissioners under this act, to hold office for two years, and a sum of one thousand dollars is appropriated for their necessary expenses in carrying this act into effect; which the treasurer shall pay to them on the warrant of the comptroller, from time to time, as their vouchers for such expenses shall be exhibited and approved. § 3, ch. 285, 1868.

Commissioners and term of office.

§ 2050. All vacancies occurring in said commission shall be filled by the governor of the state, and the term of office is hereby extended three years, the commissioners being required to report yearly on the condition of the

Vacancies in commission, term of office extended.

* An act to appoint commissioners of fisheries for the state of New York. Passed April 22, 1868; three-fifths being present.

- fisheries of the state, and the matters under their charge.
- Appropriation.** The sum of ten thousand dollars is appropriated for the necessary expenses of carrying the foregoing provisions into effect, which the treasurer shall pay on warrant of the comptroller from time to time. § 2, ch. 567, 1870.
- Fishways in Troy and Fort Miller dams; how to be constructed and maintained.** § 2051. It shall be the duty of the canal commissioners of this state to cause to be constructed and maintained in the state dams across the Hudson river at Troy and Fort Miller, and in such a manner as not to injure the said dams, fishways, at least one foot in depth at the edge of the dams, and of proper width to allow all fish endeavoring to migrate to the waters of the said river, above the dams, to pass over the same. The said fishways shall be placed at an angle of not more than thirty degrees, and extend entirely to the running water below the dams, and they shall be protected on each side by an apron at least one foot in height, to confine the waters therein. The said fishways shall be constructed under the supervision of the fish commissioners of this State, and be located at such place in said dams, and built in such manner and of such material as they may direct. § 1, ch. 555, 1870. The sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated to build said fishways. § 2, same ch.
- Under whose supervision.**
- Appropriation.**

ARTICLE FOUR.

RELATING TO THE PROHIBITION OF CIRCULATION OF OBSCENE LITERATURE, AND TRADE IN ARTICLES OF AN IMMORAL USE.

- SECTION 2052.** Sale of certain articles and medicines and publication of certain advertisements prohibited; penalties and fines for violations; when collected how to be distributed.
2053. Fines and penalties for sending off certain articles and advertisements by mail, express or otherwise.
2054. Duties of magistrates.
2055. Attention of grand juries to be called to all offenses committed in violation of this act.
2056. When act to take effect.

- Sale of obscene books, pamphlets, pictures, instruments, &c., prohibited.** § 2052. If any person shall sell or offer to sell, or shall give away, or offer to give away, any, or have in his or her possession with intent to sell or give away, any obscene and indecent book, pamphlet, paper, drawing, lithograph, engraving, daguerreotype, photograph, stereoscope picture, model, cast, instrument, or article of in-

t or immoral use, or article or medicine for the prevention of conception or procuring of abortion, or shall cause the same for sale, or write, or cause to be written, printed, or cause to be printed, any circular, handbill, book, pamphlet, advertisement, or notice of any kind, stating where, how, or of whom, or by what means, any of the said indecent and obscene articles and things, hereinbefore mentioned, can be purchased or otherwise obtained, or shall manufacture, draw and expose, or with intent to sell or to have sold, or print, any such article, every such person shall, on conviction thereof, be imprisoned in the county jail not more than one year, or be fined not more than one thousand dollars for each offense, one-third of said fine to be paid to the informer upon whose accusation the person so offending shall be convicted, one-third to the school fund of the county in which such offense shall be committed, and the remaining third to the treasurer of the Female Guardian Society in the city and county of New York, if the conviction is in the said city and county, to be by said treasurer applied to the uses and purposes of said society, as set forth in their charter or act of incorporation; and if the conviction is in any other county of this state, then said remaining third shall be paid to the treasurer of the orphan asylum in said county, or to be one, or in equal portions to all of said asylums, or to be more than one, to be applied to the purposes of said asylum or asylums, and if there be none, to the superintendent of the poor of said county, to be applied to the relief of the poor of said county. § 1, ch. 430^a, 1868.

§ 53. If any person shall deposit or cause to be deposited, in any post-office within this state, or place in the possession of any express company, or person connected with, or of any common carrier or other person, any obscene and indecent articles and things mentioned in the first section of this act, or any circular, handbill, advertisement, book, pamphlet, or notice of any kind, stating where, how, or of whom such indecent and obscene articles or things can be purchased or otherwise obtained, with the intent of having the same conveyed by mail or express, or in any other manner, or if any person shall knowingly or willfully receive the same with intent to carry or convey, or shall carry or convey, the same by express or in any other manner (except in the United States mail), every person so offending shall, on conviction thereof, be subject, for each offense, to the same penalties and punishments as is prescribed in the said first section of this act for the offenses therein set forth, and said

Sale of certain articles and medicines prohibited

Advertisements, cards, handbills, &c., stating where obscene and indecent publications may be purchased prohibited. Manufacture or printing of forbidden articles prohibited. Punishment by fine and imprisonment. Fines to go to Female Guardian Society and to Orphan Asylum.

Penalties for depositing in post-office or delivering to express companies articles or things named in foregoing section.

^a Act for the suppression of the trade in and circulation of obscene literature, illustrations, advertisements, and articles of indecent or immoral character, and obscene advertisements of patent medicines. Passed April 23, 1868.

fine shall be divided and paid in the same manner as therein provided. § 2, same ch.

Magistrates authorized to issue search warrants to sheriff or other officers.

Magistrates to deliver to district attorney specimens of obscene books, papers, articles, &c., seized under warrant. Upon conviction of offender, to cause articles seized to be destroyed.

Duty of presiding judges to charge grand jury under this act.

When act shall take effect.

§ 2054. All magistrates are authorized, on due complaint, supported by oath or affirmation, to issue a warrant, directed to the sheriff of the county within which such complaint shall be made, or to any constable, marshal or police officer within said county (provided, nevertheless, that nothing in this act contained shall be construed to affect, alter, diminish or extend, or in any wise interfere with, the powers and authority of the Board of Metropolitan Police), directing him, them, or any of them, to search for, seize and take possession of such obscene and indecent books, papers, articles and things, and said magistrates shall transmit, inclosed and under seal, specimens thereof to the district attorney of his county, and shall deposit within the county jail of his county, or such other secure place as to him shall seem meet, inclosed and under seal, the remainder thereof, and shall, upon conviction of the person or persons offending under any of the provisions of this act, forthwith destroy, or cause to be destroyed, the remainder thereof, so seized as aforesaid, and shall cause to be entered upon the records of his court the fact of such destruction. § 3, ch. 430, 1868.

§ 2055. It shall be the duty of the presiding judge of every court of sessions or oyer and terminer, within this state, especially to charge the grand jury, at each term of said court, to take notice of all offenses committed in violation of any of the provisions of this act. § 4, same ch.

§ 2056. This act shall take effect on the first day of July, eighteen hundred and sixty-eight. § 5, same ch.

CHAP. LXXVI.**FORMS.**

- SECTION 2057.** Poor relative; application to compel support of.
2058. Notice upon such application.
2059. Proof of service of such notice and application.
2060. Absconding father, husband or mother, warrant to seize goods of.
2061. Return upon such warrant.
2062. Bond of such absconding father, &c.
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2064. Bond, official, of superintendent of the poor.
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2069. Decision of superintendent respecting such settlement.
2070. Pauper sent to county poor-house; notice by superintendent that such pauper will be supported at the expense of the town in which he has a legal settlement.
2071. Decision of superintendent after re-examining settlement of pauper on application of overseers.
2072. County pauper; certificate of superintendent that a person is, on application of overseers.
2073. Settlement of pauper; notice by superintendent to overseers, of hearing to affirm or annul such certificate.
2074. Decision of superintendents annulling certificate.
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2077. Expenses respecting such removal; certificate thereof by poor-house keeper, and order on treasurer therefor.
2078. Expenses incurred previous to such removal; order by superintendents on treasurer to pay overseer.
2079. Temporary relief; superintendent's order sanctioning expense for.
2080. Temporary relief; overseer's order for.
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2082. Relief of pauper in county where no place for poor is provided; overseer's order for.
2083. County pauper; notice by overseers to superintendent respecting.
2084. Improper removal of pauper; notice of, by superintendents of one county to superintendents of another county.
2085. Denial of such removal; notice of.
2086. Report of overseers to county superintendent.
2087. Report, annual, by superintendent to secretary of state.
2088. Special report.
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2090. Account by overseer to be kept.
2091. Vagrant, complaint against.
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SECTION 2094. Commitment of.

- ✓ 2095. Child found begging ; warrant to commit.
- ✓ 2096. Poor children ; indentures for.
- ✓ 2097. Bond of master.
- 2098. Lunatic in indigent circumstances ; application in behalf of, to county judge.
- 2099. Judge's order thereon.
- 2100. Subpœna to witnesses in matter of such application.
- 2101. Physician's certificate and affidavit in respect to the alleged lunacy.
- 2102. County judge's certificate in respect to such lunatic.
- 2103. Authentication by county clerk of said judge's certificate.
- 2104. Lunatic ; order of justices to send to State Lunatic Asylum.
- 2105. Certificate of county clerk on such order.
- 2106. Lunatic pauper, order of superintendents or overseers to send to state asylum.
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- 2108. Certificate as to responsibility of the parties signing such agreement.
- 2109. Drunkard ; designation of, and notice thereon.
- 2110. Notice to overseers, of contest, and call for jury.
- 2111. Venire in case of proceedings against drunkard.
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- 2116½. Revocations by overseers of notice against drunkard.
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- 2121. Pregnancy ; affidavit of.
- 2122. Warrant against reputed father prior to birth of child.
- 2123. Birth of bastard child ; affidavit of, by mother.
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- 2125. Indorsement to be made by justice issuing a warrant against a reputed father, when such reputed father resides in, or is in, another county.
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- 2127. Bond of putative father for his release, in case of his arrest in another county.
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- 2129. Bond of putative father, on adjournment of proceeding.
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- 2131. Bond under such order.
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- 2133. Filiation in the absence of the reputed father, who was apprehended in another county ; order of.
- 2134. Warrant of commitment of the mother who refuses to disclose name of the father.
- 2135. Summons against the mother who has property.

- SECTION 2136.** Support of the child ; order compelling the mother to pay for.
 2136½. Warrant of commitment of the mother for not executing the bond
 2137. Process to compel attendance of the mother before the justices.
 2138. Absconding father or mother of bastard ; warrant to seize property of.
 2139. Order reducing sum to be paid by the father or mother.
 2140. Notice of application to court of sessions to increase the amount payable in order of filiation.
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 2142. Appeal ; notice of, from order of filiation.
 2143. Release or compromise in bastardy case.
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 2145. Petition of freeholders on such application.
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 2147. Acknowledgment of such bond.
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 2155. License to sell ale and beer.
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 2157. Emigration, commissioners of ; bill or account of city, town or county against, for expenses for support of emigrant paupers.
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 2159. Kings county ; person threatening to abandon, etc., wife and children in, order against.
 2160-2162. Kings county ; proceedings against lunatics in.
 2163. Inebriates home for Kings county ; certificate of trustees for transfer of prisoners to such home.
 2164. Certificate of president of such home for such transfer.
 2165. Patient ; certificate in respect to, on admission to Inebriates' Home.

§ 2057.

Poor relative — Application to compel the support of.

See *ante*, §§ 1, 2, 19.

To the court of sessions of the county of

The application of the undersigned _____, overseer of the poor of the town of _____ [or county superintendent of the poor, as the case may be], in said county, respectfully represents that _____, a poor person who is blind [or old, lame, impotent, or decrepit], so as to be unable by work to maintain himself [or herself], is in the town of _____ ; that _____ who resides at _____, in the said county, is the father [or mother or child of the said _____, as the case may be], and has failed, at his own charge, to relieve and maintain the said _____ in a manner approved by the undersigned ; wherefore, pursuant to the provisions of title one, chapter twenty, part one of the Revised Statutes of

this state, the undersigned hereby applies for an order to compel the said _____, who is of sufficient ability, to relieve and maintain the said _____, in the manner to be in such order specified.

Dated at _____, this _____ day of _____, 18 ____.
Overseer of the Poor of _____
[or Superintendent of the Poor].

§ 2058.

Notice to accompany the foregoing application.

See ante, § 2.

Take notice, that on the _____ day of _____, at _____ o'clock in the _____ noon, or as soon thereafter as the application can be heard, the undersigned will apply to the court of sessions of the county of _____, at _____, for an order to compel the relief asked for in the foregoing application.

Dated at _____, this _____ day of _____, A. D. 18 ____.

§ 2059.

Poor relative—Proof of service of foregoing notice and application.

County of _____, ss:

_____, of the town of _____, in said county, being duly sworn, says: that on the _____ day of _____, he served a copy of the annexed notice and application personally [or, by leaving the same at his last place of dwelling with a person of mature age], on the therein named _____.

Sworn before me, this }
 day of _____, 18 ____.

§ 2060.

Absconding father, husband or mother—Warrant to seize goods of.

See ante, §§ 8, 9, 10, 19.

County of _____, ss:

To the overseers of the poor of the town of _____, in said county. It appearing to us, two of the justices of the peace of said county, as well by the application and representation to us made by the said overseers, as upon due proof of the facts before us made, that A. B., late of said town, has absconded from his wife and children, leaving said wife and children chargeable [or likely to become chargeable] to the public for support; and that said A. B. has some estate, real or personal, in said county, whereby the public may be wholly, or in part, indemnified against said charge: we therefore authorize you, the said overseers of the poor, to take and seize the goods, chattels, effects, things in action, and the lands and tenements of said A. B. wherever the same may be found in said county; and you will, immediately upon such seizure, make an inventory of the property by you taken, and return the same, together with your proceedings, to the next court of sessions of said county.

Given under our hands, in the town of _____, this _____ day of _____, 18 ____.

C. D., }
 E. F., } *Justices.*

§ 2061.

Return upon the foregoing.

County of _____, ss:

To the court of sessions of said county:

The undersigned, to whom the annexed warrant is addressed, on the _____ day of _____, 18____, in the county of _____, therein mentioned, seized, by virtue of the said warrant, the property of which an inventory is hereunto annexed, and the proceedings of the undersigned, subsequent to the said seizure, are as follows: [*Here state particularly those proceedings*]. All which is herewith respectfully returned.

Dated at _____, this _____ day of _____, 18____.

A. B., }
C. D., } *Overseers of the Poor.*

§ 2062.

Absconding father, &c.—Bond to be given by.

See ante, § 11.

Know all men by these presents, that we, _____ and _____, both of the town of _____, in the county of _____, are held and firmly bound unto _____, overseers of the poor of the town of _____, in the sum of _____ dollars, for the payment whereof to the said overseers, or their successors in office, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated at _____, this _____ day of _____, 18____.

The condition of this obligation is such, that, whereas the said overseers of the poor have lately seized the property of the said _____, under a warrant issued by _____ and _____, two justices of the peace of the county of _____, upon due proof to them given that said _____ had absconded from his wife and children, leaving them chargeable [*or likely to become chargeable*] upon the public for support; and the said _____ having returned, and being desirous of having his property so taken restored to him: Now, therefore, if the said wife and children so abandoned shall not become chargeable either to said town or county, then this obligation to be void; otherwise, of force.

A. B. [L. s.]
C. D. [L. s.]

Sealed and delivered, and the security approved by and before us, two of the justices of the town of _____

}
} *Justices.*

§ 2063.

Absconding father—Order to discharge the warrant against, and to restore property of.

See ante, § 11.

County of _____, ss:

To the overseers of the poor of the town of _____, in said county: Whereas, by a warrant to you directed, bearing date the _____ day of _____,

, 18 , you were authorized to seize the goods, chattels, effects, things in action, and the lands and tenements of A. B., upon proof that he had absconded from his wife and children, leaving them chargeable to the public for support: And whereas, the said A. B. has returned, and now supports his wife and children so abandoned [or, has given security to the overseers of the poor, satisfactory to us, that the wife and children shall not become chargeable either to said town or county], we do, therefore, hereby discharge the said warrant issued against the said A. B., and direct the property taken by virtue thereof to be restored to him.

Witness our hands at _____, this _____ day of _____ 18 ____.

C. D., } *Justices of the Peace.*
E. F., }

§ 2064.

Superintendents of the Poor—Bond of.

See *ante*, §§ 29, 30.

Know all men by these presents: That we, A. B., C. D. and E. F., of _____, are held and firmly bound unto the supervisors of the county of _____, state of New York, in the penal sum of _____ dollars to be paid to the said supervisors, for which payment, well and truly to be made, we bind ourselves, our, and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the _____ day of _____, A. D. 18 ____.

Whereas, the above bounden A. B. has been duly elected to the office of county superintendent of the poor for the county of aforesaid, to serve for the term of three years from the first day of January, 18 : Now, therefore, the condition of this obligation is such that if the said A. B. shall faithfully execute the duties of his office, and shall pay, according to law, all moneys which shall come to his hands, as superintendent of the poor, and render a just and true account thereof to the board of supervisors, then the above obligation to be void ; else to remain in full force.

Signed and sealed in } A. B. [L s]
presence of } C. D. [L s]
A. M. } E. F. [L s]

The sureties in the above bond were duly approved by the board of supervisors this day of , 18 .

D. M., Clerk of the Board.

§ 2065.

Overseer of the Poor—Bond of.

See *ante*, §§ 33, 34.

Know all men by these presents: That we, A. B., C. D., and E. F., of the town of _____, in the county of _____, and state of New York, are hereby jointly and severally held and firmly bound unto the supervisor of the said town of _____, as such supervisor, in the sum of _____ dollars, to be paid to the said supervisor, or his successor in office, for which payment, well and truly to be made, we, and each of us, hereby bind ourselves, our, and each of our, heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this _____ day of _____, 19____.

, in the year of our Lord one thousand eight hundred and seventy

Whereas, the above named obligor A. B. has been elected [or appointed, as the case may be] overseer of the poor in the town of , in the county of , to serve for the term of , from the day of , 18 : Now, therefore, the condition of this obligation is such, that if the said A. B. shall and will well and faithfully discharge the duties of his aforesaid office of overseer of the poor, and pay, according to law, all moneys which shall come into his hands as such overseer of the poor, then the above obligation to be void ; else to remain in full force and virtue.

Signed, sealed and
delivered in the
presence of

A. B. [L. s.]
C. D. [L. s.]
E. F. [L. s.]

County of , ss :

The within bond is hereby approved of by me, the supervisor of the town of , in the said county of , as such supervisor, this day of , A. D. 18 .

G. H., Supervisor of the town of

§ 2066.

Pauper, support of — Notice from one town to another (in a county where the towns are liable to support their own poor), requiring the overseers of the town in which the pauper has a residence to provide for his support.

See ante, § 66, sub. 4, and § 67.

County of , ss :

To the overseers of the poor of the town of , in said county: You are hereby notified that A. B., a pauper, who has gained a settlement in your town, to which he belongs, is in the town of , in said county, and is supported at the expense of the said town of , for which the undersigned are overseers. You are, therefore, required to provide for the relief and support of the said pauper.

Given under our hands at , this day of , 18 .
E. F., } Overseers of the poor of
C. D., } the town of

[This notice should be served on one of the overseers of the poor of the town where the pauper belongs. If the overseers to whom the same is directed intend to contest the allegation of the settlement of such pauper, they must, within ten days after the service thereof, give notice to the overseers of the town where such pauper may be, in the following form:]

§ 2067.

See ante, § 67.

County of , ss :

To the overseers of the poor of the town of , in said county: Please to take notice that the undersigned, overseers of the poor of the town of , in said county, will appear before the superintendents of the poor of the said county, at the poor-house [or other place, as may be designated], on the day of , at ten o'clock

in the forenoon, to contest the alleged settlement of A. B., a pauper, as set forth in your notice of the instant.

Dated at _____, this day of _____, 18 ____.

J. H., } Overseers of the poor of
I. J., } the town of _____

§ 2068.

Pauper, settlement of—Subpœna in case of dispute concerning.

See ante, sub. 7, § 38.

County of _____, ss:

The people of the state of New York to C. D. greeting: You are hereby required, personally, to appear before the undersigned, superintendents of the poor of the said county, at the poor-house [or such other place as is designated in the notice], on the _____ day of _____, 18 ____, at ten o'clock in the forenoon, to testify in behalf of the overseers of the poor of the town of _____, in said county, concerning the alleged settlement of A. B. a pauper.

Dated at _____, this _____ day of _____, 18 ____.

} Superintendents of
the poor.

§ 2069.

Pauper, settlement of—Decision of superintendents concerning.

See ante, §§ 68, 69.

County of _____, ss:

The undersigned, superintendents of the poor of said county, having convened as required by the overseers of the poor of the town of _____, in said county, pursuant to their notice, proceeded to hear and determine a controversy which had arisen between the said overseers and the overseers of the town of _____, in said county, concerning the settlement of A. B., a pauper; and upon such hearing of the facts, the undersigned hereby decide, that the legal settlement of the said A. B., as such pauper, is [or, is not] in the said town of _____. And the undersigned hereby award to the overseers of the poor of the town of _____, the prevailing party, the sum of _____ dollars, costs of said proceeding, by them expended.

Given under our hands and seals at _____, this _____ day of _____, 18 ____.

{ L. S. }
{ L. S. } Superintendents of
{ L. S. } the poor.

§ 2070.

Pauper sent to the county poor-house—Superintendents' notice that said pauper will be supported at the expense of a town, in a county which supports its own poor.

See ante, § 70.

County of _____, ss:

To the overseers of the poor of the town of _____ in said county:

A pauper, having been sent to the poor-house, as a county pauper, and the undersigned superintendent of the poor of said county hav-

ing inquired into the fact, and being of the opinion that the said pauper has a legal settlement in the town of _____, in said county, pursuant to the provisions of section 35, title 1, chapter 20, part 1, of the Revised Statutes of New York, you are hereby notified that the expenses of the support of said pauper will be charged to the town of _____ unless you, the overseer of the poor of said town, within _____ days after the service of this notice, show that the said town of _____ ought not to be so charged.

Dated at _____, this _____ day of _____, 18 ____.
Sup't county poor.

[This notice must be given within thirty days after the pauper shall have been received. And on the application of the overseers, the superintendent must re-examine the matter, and take testimony in relation thereto, and finally decide the question; which decision by section 70 is declared to be conclusive, and may be in the following form:]

§ 2071.

Pauper, support of—Decision of superintendent after re-examining settlement of pauper on application of overseers.

See *ante*, § 70.

County of _____, ss.:

The undersigned, superintendents of the poor of the said county, having, on application of the overseers of the poor of the town of _____, on whom the notice, of which the annexed is a copy, was served, re-examined the subject-matter of the said notice, and taken testimony in relation thereto, do hereby decide that the pauper, A. B., therein mentioned, has a legal settlement in the said town of _____, to which, as such pauper, he belongs [or, has not a legal settlement in said town of _____].

Given under our hands, at _____, this _____ day of _____, 18 ____.
} *Superintendent of the poor.*

[This decision should be signed, and entered. See *ante*, § 73.]

§ 2072.

County pauper — Certificate of a superintendent that a person is a county pauper, on application of overseers of a town.

See *ante*, § 71.

County of _____, ss.:

The overseers of the poor of the town of _____, having given notice to the undersigned that A. B., a poor person, being in said town, should be supported as a county pauper, and having inquired into the circumstances, and being satisfied that the said pauper has not gained a legal settlement in any town in the said county, this certificate of that fact is hereby given; and the said A. B. is chargeable to the said county.

Dated at _____, this _____ day of _____, 18 ____.
Superintendent.

§ 2073.

*Pauper—Settlement of; notice of hearing.*See *ante*, §§ 71, 72.

County of , ss:

To the overseers of the poor of the town of , in said county:

You are hereby notified, that, on the day of , at ten o'clock in the forenoon of that day, the superintendents of the poor of said county will proceed to a hearing of the allegations and proofs which may then be presented in relation to the legal settlement of A. B., in the town of ; and after such hearing, will affirm or annul the certificate given on the day of , 18 , declaring that the said A. B. was chargeable upon the said county.

Dated at , this day of , 18 .

} *Superintendents of the poor.*

[The law requires "due notice" to be given to the overseers, say "not less than twenty days," as provided in section seventy for a notice to overseers, in contesting the legal settlement of a pauper.]

§ 2074.

*County pauper—Decision of county superintendents annulling the certificate that a person is a county pauper.*See *ante*, § 71.

County of , ss:

C. D., one of the superintendents of the poor of said county, having reported to the board of county superintendents of the poor for said county the case mentioned in the certificate, a duplicate or copy whereof is hereunto annexed, the said board, after due notice given to the overseers of the poor of the town of , in said county, and after hearing the allegations and proofs in the premises, do hereby annul the said certificate so given, and do decide that the legal settlement of A. B. is in the town of , in said county.

Dated at , this day of , 18 .

} *Superintendents of the Poor.*

[To be entered in superintendent's book, and certified and filed. See *ante*, § 73.]

§ 2075.

*County pauper—Decision by the board of county superintendents as to the refusal of a superintendent to give the certificate.*See *ante*, § 72.

County of , ss:

Notice having been given, by the overseers of the poor of the town of , in said county, to C. D., one of the superintendents of the poor of said county, that A. B., a poor person, being in said town, should be supported as a county pauper, and the said superintendent having refused [*or, neglected*] to give the certificate prescribed by section 36, title 1, chapter 20, part 1 of the Revised Statutes of the state of New York, and the undersigned, constituting the board of county superintendents of the poor for said county, having, on application of

the said overseers, summarily heard the matter, hereby determine and decide that the said pauper hath not gained a legal settlement in any town of the said county, and should be supported as a county pauper [or, hath gained a legal settlement in the town of _____, in said county, as the case may be]. And the superintendents hereby award to the said overseers of the town of _____ the sum of [here insert a sum not exceeding \$10], costs of said proceeding by them in this behalf expended.

Certified under our hands, at _____, this _____ day of _____, 18 ____.

} Superintendents of the Poor.

§ 2076.

County poor-house — Order of overseer to remove a poor person to.

See ante, § 74.

County of _____, ss: _____, having applied for relief to me, the undersigned, the overseer of the poor for the _____, I have inquired into the condition and circumstances of said applicant, and it appears to me that the said _____ requires permanent relief and support, and can be safely removed; I therefore hereby order the said applicant to be removed to the county poor-house, there to be provided for, as the necessities of the said applicant may require, at the expense of the _____ of _____.

Given under my hand at _____, this _____ day of _____, 18 ____.

Overseer of the poor.

§ 2077.

Pauper — Certificate of keeper of poor-house; the expense of removing a pauper.

See ante, § 75.

TREASURER OF COUNTY. Pay A. B. two dollars transporting C. D. from being _____ miles to poor-house. _____, 18 ____. No. _____	cents for county	TREASURER OF COUNTY. This certifies that A. B. is entitled to two dollars _____ cents, at the rate prescribed by the superintendents, for transporting C. D. from the town of _____ to _____ county poor-house, being _____ miles. _____, 18 ____. No. _____ A. B., Keeper. (Countersigned), } Superintendents.
---	-----------------------------	---

§ 2078.

Expenses — Superintendents' order to pay, incurred by overseers previous to the removal of a pauper.

See ante, § 75.

To the treasurer of the county of _____:

Pay to the overseers of the poor of the town of _____, in said county, _____ dollars, a sum which was necessarily paid out, or contracted to be paid, for the relief or support of A. B., a pauper, previous to his removal to the county poor-house, and which sum the undersigned, superintendents of the poor of the said county, judged was

reasonably expended by the said overseers, before the said pauper could properly be removed, and charge the same to the county [or, if a town pauper, to the town of , in said county].

Given under our hands at , this day of , 18 .
 } *Superintendents of the poor.*

§ 2079.

Temporary relief—Superintendent's order sanctioning the expending of over \$10 for.

See ante, § 77.

§
 Whereas, , overseer of the poor of the town of , has applied for authority to expend a greater amount than authorized by law for the relief of , who is indigent and sick; and being satisfied from said representation made by said overseer that temporary relief should be granted to said poor family or person; I do, therefore hereby authorize the overseer of said town to expend the further sum of , or such sums less than that amount, as may be necessary for the relief of said poor family or person.

Dated at , this day of , 18 .
 , *Supt. of the poor.*

§ 2080.

Temporary relief—Order of overseer for.

See ante, §§ 77, 925.

No. . UTICA, 18 .
 To
 Please furnish to articles named in "Schedule A" to this order annexed, to the amount of dollars, and charge to the account of the town of Utica.

[This order will not be audited except in behalf of the person on whom it is drawn, and the dealer must state upon the back of the same the quantity and price of each article so delivered.]

, *Overseer of the poor.*

§
 Schedule "A," referred to in the above order:

lb. tea	§
" sugar	
" coffee	
" flour	
" meal	
" saleratus	
" pork	
" codfish	
" mackerel	
" soap	
" rice	
" butter	
" candles	
" crackers	



FORMS.

649

gal. molasses	\$
bush. potatoes	
qts. beans	
fresh meat	
matches	
Total	\$

§ 2081.

Temporary relief—Overseer's report of:
Report of the Overseer of the Poor of the town of

NAMES OF PARTIES.	AGE.	SEX.	NATIVE COUNTY.	CAUSE OF PAUPERISM.	AMOUNT OF RELIEF FURNISHED.		
					By Over-seer's order	By Supt. Extension.	Total.

I certify the above to be a correct statement in reference to the persons relieved under my order, from 18 to 18 .

, Overseer of the poor.

§ 2082.

Pauper — Order for relief of, where no county poor-house or other place has been provided for the reception of the poor.

See ante, § 81.

County of , ss :

Application for relief having been made by A. B. to the undersigned, overseers of the poor of the town of , they, with the assistance of the undersigned, E. F., a justice of the peace of the same town, having inquired into the facts and circumstances of the case, find that the said A. B. has a legal settlement in the town of , in said county [or, has not any legal settlement in any town in said county]; they therefore hereby order, pursuant to the provisions of § 43, title 1, chap. 20, part 1 of the Revised Statutes of this state, the following allowances to the said A. B., weekly [or, otherwise, to be here stated], to wit, \$, which the said justice and the said overseers [or, "one of the said overseers"] think required by the necessities of the said poor person, A. B.

Given under our hands, in the town of , this day of , 18 .

} Overseers.
Justice.

§ 2083.

Pauper, non-resident—Notice of overseers of a town to a superintendent respecting.

See *ante*, § 83.

To _____, a superintendent of the poor of the county of _____ :
 You are hereby notified that, on the application of A. B., a poor person, for relief, the undersigned, overseers of the poor of the town of _____, in said county, with the assistance of _____, a justice of the peace of said town, inquired into the facts and circumstances of the case, and found that the said pauper had no legal settlement in any town in said county, and until the county superintendents take charge of said pauper the overseers will provide for his support, and an account for the expense thereof, from the time of the service of this notice, will be presented as a charge against said county.

Given under our hands, at _____, this _____ day of _____ 18 .
 _____ }
 _____ } *Overseers of the Poor.*

[After service of notice on the superintendent, one of the overseers should make an affidavit of the time and the person on whom the same was served, and annex the same to the order made by the overseers and justice. This order and affidavit are the vouchers on which payment is to be made to the overseers by the county treasurer, section 53. The affidavit may be as follows, and should be annexed to a copy of the notice served on the superintendent.]

County of _____, ss :

_____ , one of the overseers of the poor of the town of _____, being sworn, says that a notice, of which the annexed is a copy, was by him served on _____, one of the superintendents of the poor of said county, on the _____ day of _____, 18 .
 Sworn before me, this _____ day of _____, 18 . }

§ 2084.

Pauper—Notice of the improper removal of, from another county.

See *ante*, § 97.

County of _____, ss :

To the superintendents of the poor of the county of _____ :
 You are hereby notified that A. B., a poor and indigent person, hath been improperly sent [*or, carried, transported, brought or removed, or enticed to remove, as the case may be*] from the said county of _____ to the county of _____, without legal authority, and there left, with intent to make the said county of _____, to which the said removal was made, chargeable with the support of the said pauper. You are therefore, pursuant to the provisions of § 59, title 1, chapter 20, part 1, of the Revised Statutes of the state of New York, required forthwith to take charge of the said pauper.

Given at _____, in said county of _____, the _____ day of _____, 18 .

_____ }
 _____ } *Superintendents of the poor of the county of _____.*

§ 2085.

*Pauper — Notice of denial of removal of.*See *ante*, § 97.

County of _____, ss :
 To the superintendents of the poor of _____ county:
 You are hereby notified that the undersigned, superintendents of the poor of the county of _____, deny the allegation contained in your notice, of the supposed improper removal of A. B., as mentioned in your notice to the undersigned, in the manner and with the intent in said notice alleged.
 Given under our hands, at _____, this _____ day of _____, 18 ____.
 _____, } *Superintendents of the poor of*
 _____, } *the county of _____.*

[This notice may be used by the overseers of a town, in denying the allegation of the superintendents that their town is liable for the support of the pauper, by so varying the form as to make it applicable to overseers of a town, instead of superintendents of a county.]

§ 2086.

*Overseer's Report to County Superintendents, etc.*See *ante*, §§ 114-120, 1238-1242.

Names of persons relieved as paupers, in the _____, in the county of _____, by _____, overseer of the poor in said _____, during the year commencing on the day of the meeting of the board of auditors, in the year 18 _____, and statistics in reference thereto.

The undersigned has found it impossible to make the report to the secretary of state, required, without the information sought in this statement, which can be made correctly only by overseers.

The blanks should be filled by them in reference to each family as soon as relief is commenced. This is intended to be a complete census of pauperism, and to include the names of each member of the family — children as well as parents. When the term of office of an overseer expires during the year of the report, *the same list* should be continued by his successor.

Males, females, lunatics, idiots and mutes may be designated by the figure 1 in the appropriate column opposite each name.

Cause of pauperism may be designated by using the figures prefixed to each of the following heads of classification: 1. Intemperance, direct. 2. Children having intemperate parents. 3. Wives having intemperate husbands. 4. Debauchery. 5. Debauchery of parents. 6. Idleness. 7. Vagrancy. 8. Blindness. 9. Lameness (including cripples, rheumatism, sore and bruised limbs). 10. Sickness. 11. Decrepitude. 12. Old age. 13. Indigent and destitute. 14. Children having destitute parents. 15. Children having sick parents. 16. Females having sick husbands. 17. Orphans. 18. Bastards.

J. L.,

Superintendent of Poor.

NAMES.	Males.	Females.	Age.	Lunatics.	Idiota.	Mutes.	Native country.	Chargeable to (town or county)	Cause of pauperism.

§ 2087.

Annual Report of the Superintendent of the Poor of the County of to the Secretary of State.

See ante, §§ 114-120, 1238-1242.

The superintendent of the poor of the county of _____, in pursuance of the provisions of the Revised Statutes for "the relief and support of indigent persons," present to the Secretary of State annual report, as follows:

The whole number of paupers relieved or supported during the year preceding the 1st of December inst., was _____
Of the whole number of persons thus relieved or supported, the number of county paupers was.....
and the number of town paupers was.....
and the number of persons who were temporarily relieved was
The aggregate expense of relieving and supporting all such paupers was \$
Of this aggregate sum the amount expended for temporary relief was..... \$
The aggregate sum above mentioned is composed of the following items of expenditure, viz.:

1st Poor-house expenses.

Paid to superintendents for their services..... \$
Paid to keepers and poor-house officers.....
Paid to constables and other officers
Paid for supplies for the county poor-house.....
Paid for transportation of paupers.....
Paid to physicians for attendance and medicines.....
Paid for repairs and improvements of buildings and grounds.....
Paid for miscellaneous expenditures connected with the poor-house
Total amount of expenses connected with county poor-house..... \$

2d. Expenses of administering temporary relief.

Paid to overseers of the poor for their services..... \$
Paid to justices of the peace for their services.....
Paid for relieving indigent persons temporarily (not including the last two mentioned items).....
Total amount expended for temporary relief..... \$

Poor-house expenses.....	\$
Temporary relief.....	
Making the above aggregate.....	\$

The county poor-house has _____ acres of land attached to it.
The first cost of the land and the erections on it was.. \$ _____
And the present estimated value of the whole establishment is.....
The number of persons remaining in the poor-house on the 1st day of December inst. was.....
Of this number there were of females.....
“ “ “ of males.....
Of the females there were, of 16 years of age and under,
Of the males of the same age.....
Of the whole number of persons in the poor-house on the 1st December inst., there were _____ foreigners, and _____ born in the United States; _____ lunatics; _____ idiots; _____ blind; and _____ mutes. Of the mutes _____ were between the ages of 12 and 25 years, and of the blind _____ between the ages of 12 and 25 years.

Of the persons relieved or supported during the year pauper insane (lunatics) were transferred to, and supported by the county at Willard Asylum for the Insane, at Ovid, of whom there were males, and females; that the expense of such support was ; and that the number of pauper insane, supported by said county, remaining in said asylum on the 1st day of December inst. was

Born in the poor-house.....
Died during the year.....
Bound out.....
Discharged.....
Absconded.....

Given under our hands at _____, this _____ day of December, 18____.

_____, Superintendent of the Poor.

RELIEF OF THE POOR.

§ 2088.

Special Poor Report.

See ante, §§ 115, 116, 1238-1242.

(No. 1.)

*Native Country of Persons Relieved or Supported in the County
of during the year 18 .*

Country.	Male.	Female.	Total.
United States			
Ireland			
England			
Scotland, ...			
Germany			
France			
Canada			

(No. 2.)

*Causes of Pauperism of Persons Relieved or Supported in the County
of during the year 18 .*

Causes.	Male.	Female.	Total.
Intemperance, direct			
Children having intemperate parents ...			
Wives having intemperate husbands			
Debauchery			
Debauchery of parents			
Idleness			
Vagrancy			
Idiocy			
Lunacy			
Blindness			
Lameness			
Sickness			
Decrepitude			
Old age			
Deaf and dumb			
Indigent and destitute			
Children having destitute parents			
Children having sick parents			
Females having sick husbands			
Orphans			
Bastards			
Illegitimate children			



§ 2089.

f supervisor for a town where all the poor are not a county charge, to the clerk of the board of supervisors.

See ante, §§ 118–120.

Supervisor of the town of _____, in the county of _____, do hereby certify that the clerk of the board of supervisors, under § 76, title 1, of the Revised Statutes, as follows:
Number of paupers relieved or supported in said town during the year preceding the _____ day of _____, 18____, as appears from the accounts of the overseers of the poor, was _____
Persons thus relieved, the number of county paupers _____
Number of town paupers _____
The expense of such support was _____ \$
Due to overseers for support of county paupers _____
do do town paupers _____
do for their services _____
do for transportation of paupers _____
Made to justices _____
to physicians, for medicine and attendance _____
The whole number of paupers relieved by the overseers during the year preceding the _____ day of _____, 18____, as appears from their report that there were _____ foreigners; _____ lunatics; _____ idiots; and _____ mutes. The number of paupers under their charge at the time of auditing their accounts, is stated at _____; of _____ were males, and _____ females.

If there are any other charges they should be specified.]

I do hereby certify that the foregoing is a correct abstract of the accounts of the overseers of the poor of the town of _____, for the year preceding the _____ day of _____, 18____, as the same have been settled by the _____ of town auditors.
this _____ day of _____, 18____.

A. B., Supervisor.

§ 2090.

Overseers—Account to be kept by, etc.

See ante, §§ 40–41, 89–90.

(No. 1.)

AGE.	SEX.	NATIVE COUNTRY.	CAUSE OF PAUPERISM OR PERSONS RELIEVED.
40	Male	United States	Intemperance, direct.
36	Female	Ireland	Children having intemperate parents.
30	Male	England	Debauchery.
20	Male	Germany	Blindness.

RELIEF OF THE POOR.

(No. 2.)

Amount of moneys received.	When received.	From whom.	On what account.	Amount of moneys paid out.	When	To whom.	On what authority.
\$10 00	June 10, 18	County treasurer.	For temporary relief.....	\$10 00	June 15, 18		By order of C. D., justice of the peace.
12 50	Sept. 18	E. F.	From the sale of the personal property of G. H., who had ab- sconded	12 50	Sept. 18	County treasurer.	Pursuant to § 20 of title 1 of chapter 20 of part 1 of the Revised Statutes.

§ 2091.

*Vagrant—Complaint against.*See *ante*, §§ 1281-1284.

County of _____, ss.:

A. B., of the town of _____, in said county, being sworn, makes oath and complains before C. D., one of the justices of the peace of said town, that E. F. is now in said town, and is an idle person, not having visible means to maintain himself, and living without employment; and is, as deponent believes, a vagrant, within the meaning and intent of the statute in such case made and provided. A. B.

Subscribed and sworn before me, {
this day of _____

C. D., Justice.

§ 2092.

Vagrant—Warrant against.

County of _____, ss.:

To any constable of said county, GREETING:

Whereas A. B., of _____, in said county, has this day made complaint on oath, before me, the undersigned justice of the peace of said town, that E. F., &c. [*Here set forth the complaint.*] You are therefore hereby commanded, in the name of the people of the state of New York, forthwith to arrest the said E. F., and bring him before me, the said justice, at my office in _____ aforesaid, to answer to said complaint, and to be otherwise dealt with in the premises as the law requires.

Given under my hand, at _____ aforesaid, _____, 18 ____.
C. D., Justice.

§ 2093.

*Vagrant—Record of conviction of.*See *ante*, § 1283.

County of _____, ss.:

Be it remembered, that John Stiles is now, at this day, brought before me, the undersigned justice of the peace of the town of _____, in said county, at _____ aforesaid, upon the charge and accusation that said John was found in said town an idle person, not having visible means to maintain himself, and living without employment [*or, as the case may be*], and a vagrant within the intent and meaning of the provisions of title second of chapter twentieth of the first part of the Revised Statutes: and I, the said justice, being satisfied, upon due and personal examination of said John, and by his confession now before me had and made [*or, "satisfied upon due and personal examination of said John, and upon competent testimony, now before me had and given"*], that said charge and accusation are in all respects true, the said John is, therefore, duly convicted before me of being a vagrant, within the true intent and meaning of said statute; and it appearing to me that said John is not a notorious offender, and that he is a proper object for relief, I adjudge and determine that said John be committed to the county poor-house of said county [*or, the almshouse or poor-house of the town*] for the term of forty days, there to be kept at hard labor [*or, it appearing to me that said John is an improper por-*

son to be sent to the poor-house, I do therefore adjudge and determine that said John be committed to the common jail of said county, or the bridewell or house of correction, for the term of thirty days, and to be kept for the first fifteen days of said term on bread and water only.]

In witness whereof, I have hereunto set my hand and seal, this day of _____, 18 .

, Justice. [L. s.]

[The record of conviction must be filed in the county clerk's office.]

§ 2094.

Vagrant—Commitment of.

See *ante*, § 1283.

County of _____, ss:

To any constable of said county, GREETING:

Whereas, John Stiles has been this day duly convicted before me, the undersigned justice of the peace of the town of _____, in said county, of being a vagrant; and inasmuch as it appeared to me that said John is not a notorious offender, and is a proper subject of relief [or, that said John is an improper person to be sent to the poor-house], I did, upon such conviction, adjudge that said John be committed as hereinafter expressed. You are therefore hereby commanded, in the name of the people of the state of New York, to convey the said John to the county poor-house [or, almshouse or town poor-house], the keeper whereof is required to keep the said John therein at hard labor for forty days; [or, to convey the said John to the common jail of the said county, the keeper whereof is required to detain the said John in safe custody therein for the term of thirty days, and to be kept for the first ten days of said term on bread and water only].

Given under my hand and seal, at _____, 18 .

, Justice. [L. s.]

[By section 29 of title 7 of chapter 2 of part 4 of the Revised Statutes, the justice by whom the vagrant is committed may cause him to be searched, and if any property is found, it may be applied to his support while in confinement.]

When any child is found begging, or soliciting charity from door to door, or in any street, highway or public place, any justice of the peace, upon complaint and proof thereof, is required to commit such child to the poor-house, etc. The following form of warrant may be used for that purpose:

§ 2095.

Child found begging—Warrant to commit.

See *ante*, § 1284.

County of _____, ss:

To any constable of said county, GREETING:

Whereas, complaint has this day been made, and the proof thereof given to me, one of the justices of the peace of said county, that a child of the name of A. B. has been found in the _____, in said county, begging for alms. You are, therefore, hereby commanded, in the name of the people of the state of New York, to convey the

said child to the poor-house of said county [or town, or the almshouse of said city], the keeper whereof is required to detain, keep, employ and instruct said child in such useful labor as said child shall be able to perform, until ~~discharged~~ therefrom by the county superintendents of the poor, or bound out as an apprentice by them [or, by the commissioners of such almshouse, or, by the overseers of the poor].

Given under my hand and seal, at _____, this _____ day of _____, 18____, Justice. [L. S.]

§ 2096.

Apprenticeship articles — Binding out of poor children.

See *ante*, §§ 181, 1390-1401.

This indenture witnesseth, that the _____ of the poor of the county of _____, and state of New York, put and bind out _____, now aged _____, and an inmate of the _____ poor-house, and now chargeable to the said _____, an apprentice to _____ to learn the art, trade and mystery of _____, and as an apprentice to serve from this date for and during, and till the full end and term of _____ next ensuing; during all which time the said apprentice _____ master faithfully, honestly and industriously shall serve; his secrets keep; all lawful commands everywhere readily obey, and at all times protect and preserve the goods and property of _____, said master, and not suffer or allow any to be injured or wasted; he shall not buy, sell or traffic with _____ own goods or the goods of others, nor be absent from said master's service, day or night, without leave, and in all things behave _____ as a faithful apprentice ought to do, during said term. And the said master shall use and employ the utmost of his endeavors to teach or cause _____ the said apprentice to be taught or instructed in the art, trade or mystery of _____

_____ and also cause the said apprentice to be taught to read and write, and instructed in the general rules of arithmetic, and to give to the said apprentice, at the expiration of _____ service, a new bible.

And the said master shall provide for the said apprentice in sickness and in health, and supply _____ with suitable food and clothing, and undertake to kindly treat the said apprentice.

And for the true performance of all and singular the covenants and agreements aforesaid, the parties bind themselves each unto the other firmly by these presents.

In witness whereof the parties aforesaid have hereunto set their hands and seals, the _____ day of _____, in the year one thousand

eight hundred and _____
Sealed and delivered in the }
presence of _____

§ 2097.

Master's bond.

See *ante*, § 181.

State of New York, {

Know all men by these presents, that I am held and firmly bound to the people of the state of New York, in the sum of _____

hundred dollars, lawful money of the said state, to be paid to the said people, for which payment well and truly to be made or done I bind myself, my heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with my seal, and dated at the _____ of _____, this _____ day of _____ in the year of our Lord one thousand eight hundred and _____

Whereas, in and by certain articles of apprenticeship made and executed by the _____ of the poor of the county of _____, on the _____ day of _____, 18____, at the _____ of _____, in the county of _____, an inmate of the poor-house in said county, was put and bound out to _____ to learn the art, trade and mystery of _____

Now, therefore, the condition of the above obligation is such, that if the above bounden _____, his heirs, executors or administrators, in addition to the requirements now existing by law in such cases, shall undertake to, and kindly treat _____ such apprentice, then this obligation to be void, otherwise to be and remain in full force and virtue.

Signed, sealed and delivered in }
presence of }

[L. S.]

§ 2098.

Lunatic in indigent circumstances — Application to county judge and affidavit in behalf of.

See *ante*, § 1697.

To the Hon. A. B., county judge of the county of _____

The petition of C. D., of the town of _____, in said county, respectfully sheweth: That E. F., now a resident of the said town, is, and for the term of _____ years last past has been, a lunatic; that he is now in the care and custody of G. H., at the town aforesaid; that he is in indigent circumstances, and has no property in his own possession, or held by any person in trust for him, sufficient for his support [*or*, for the support of himself and family], under the visitation of insanity aforesaid. Your petitioner therefore prays that an examination and investigation may be had in the premises, pursuant to the provisions of the act entitled "An act to organize the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane," passed April 7, 1842, &c.

C. D.

County of _____, ss:

C. D., of said county, being duly sworn, says that the facts and circumstances stated and set forth in the foregoing petition, by him signed, are true.

C. D.

Subscribed and sworn before me, }
the _____ day of _____, 18____. }
_____, Justice.

[Upon receiving such petition, it is the duty of the county judge to call two respectable physicians, and other credible witnesses, and investigate all the facts of the case. For the purpose of procuring the attendance of the physicians and witnesses, the following forms of an order and subpoena may be used:]

§ 2099.

Order of judge on the foregoing petition.

In the matter of E. F., an alleged)
indigent lunatic: {

Upon the petition of C. D., of the town of _____, in the county of _____, herein presented to me, and duly verified, it is ordered: That J. T. P. and D. D., two respectable physicians of the said county, be hereby designated and appointed, pursuant to the provisions of the act entitled, &c. [as in the next preceding form], to examine the said E. F., in respect to his alleged insanity, within _____ days after they shall be respectively served with a copy of this order, certified by me; and that they appear before me at my office in _____, on the day of _____, instant [or, next], at _____ o'clock in the _____ noon, and certify their respective opinions in relation thereto; and that, at the time and place aforesaid, other witnesses be examined touching the mental condition and pecuniary circumstances of the said E. F. And it is further ordered, that _____ days' notice of such examination be given to the superintendent of the poor of said county [or, to one of the overseers of the poor of the town of _____, if such expense is chargeable to the town].

A. B.,

County Judge of the county of _____.

[The notice to the superintendent or overseer may be such time as the judge may deem reasonable.]

§ 2100.

Subpœna of county judge to witnesses.

See ante, § 1697.

County of _____, ss:

To E. F., O. P., &c., of said county, GREETING:

You, and each of you, are hereby commanded, in the name of the people of the state of New York, to appear before me, at my office in _____, on the _____ day of _____ instant [or, next], at _____ o'clock in the _____ noon, to testify what you, or either of you, may know touching the mental condition and pecuniary circumstances of E. F., now of the town of _____, in said county.

Given under my hand at _____, this _____ day of _____, 18 ____.

A. B.,

County Judge, &c.

§ 2101.

Lunacy — Certificate of physicians, and affidavit in respect thereto.

In the matter of E. F., an alleged)
indigent lunatic: {

We do hereby certify that, in pursuance of the order of A. B., county judge of the county of _____, made in the above entitled matter, and bearing date the _____ day of _____, 18 ____, we have carefully examined into the mental state and condition of E. F., above named, and particularly in reference to his alleged insanity; and that, in our opinion, derived from such information, the said E. F. is a confirmed lunatic.

Given under our hands this _____ day of _____, 18 ____.

J. T. P.,
D. D.

county, ss:

J. T. P. and D. D., of said county, being by me severally sworn, depose and say, and each for himself deposes and says, that the facts stated and set forth in the foregoing certificate, by them signed, are true.

Subscribed and sworn to before me, } J. T. P.,
this day of , 18 } D. D.

, Justice.

, § 2102.

Lunatic in indigent circumstances — County judge's certificate in the case of.

See ante, §§ 1697-1699.

In the matter of E. F., an alleged }
indigent lunatic: }

County of , ss:

Whereas, an application has been made to me , county judge of the said county of , in behalf of E. F., who resides in the town of , in said county, for a certificate entitling him to admission into the State Lunatic Asylum at Utica, as a person in indigent circumstances, not a pauper; and I, the said judge, having given reasonable notice of the time and place of hearing, to , superintendent of the poor of the county of , which county is chargeable with the expense of supporting said person in the asylum [or, to , an overseer of the poor of the town of , in the county of , which county is chargeable with the expense of supporting said person in the asylum]; and having called two respectable physicians, and other credible witnesses, and fully investigated the facts of the case [if a jury is called on the question of insanity, state the fact and the verdict], do hereby certify that satisfactory proof has been adduced to me, showing the said E. F. to be insane, and that he became insane within one year next prior to the date hereof, and that his estate is insufficient to support him and his family [or, if he has no family, himself], under the visitation of insanity.

Given under my hand this day of , 18 .

, County Judge of the county of .

§ 2103.

County clerk's authentication of the above.

County of , ss:

I, , clerk of the said county, certify that , whose name is subscribed to the foregoing [or annexed, or within] certificate, was, at the date thereof, the county judge of the said county; that I am acquainted with the handwriting of said judge, and that his signature to the said certificate is genuine.

Witness my hand and the seal of the county court of said county. [L. S.] this day of , 18 .

, Clerk.

Any county judge is authorized to send an indigent patient to the county poor-house, or to the State asylum, as, in his judgment, may

be to the best interests of all concerned. (Laws of 1851, ch. 446.) See *ante*, § 1727.

By §§ 4 and 5 of ch. 337 of 1870 (§§ 1751, 1752), it is provided that when the Hudson River State Hospital shall be completed, due notice thereof shall be given to the county clerk, county judge and superintendents of the poor of each of the counties enumerated in said § 4 (§ 1751), so that all patients who may then be in the State Lunatic Asylum at Utica, chargeable to the said counties, shall be transferred to the Hudson River State Hospital for the insane, and that all the counties enumerated in the said section shall constitute the "Hudson River State Hospital district."

§ 2104.

Lunatic — Justices' order to send to the State Lunatic Asylum.

See *ante*, §§ 1657–1670, 1693.

The people of the state of New York, to the superintendents of the poor of the county of _____, [or, to the overseers of the poor of the town of _____, in the county of _____,] and to the constables of the town of _____, in said county, and to the superintendent of the State Lunatic Asylum at Utica, in the county of Oneida, greeting:

Whereas, upon the application of _____, overseers of the poor of said town [or, upon our own view, or upon the information of _____, or upon the oath of _____, of the town of _____], it hath been made satisfactorily to appear to the undersigned, two justices of the peace of said county, after a full examination of the matter, and having the evidence of two reputable physicians under oath, that _____, of the town of _____, in the said county of _____, is a lunatic [or, is so far disordered in his senses as to endanger his own person, or, the person or property of others], and that it is dangerous to permit such person to go at large: These, therefore, are to command you, and each of you, in the name of the said people, forthwith to apprehend and carry said _____ to the State Lunatic Asylum at Utica, and to deliver him to the custody of the superintendent thereof, together with this precept; and you, the said superintendent, are hereby commanded to receive the said lunatic into the said asylum, and to detain and keep him therein, according to the laws and regulations thereof, until discharged therefrom according to law.

Given under our hands, at _____, in the county of _____, this _____ day of _____, 18 _____.

} *Justices of the Peace.*

§ 2105.

Lunatic sent to Asylum — County Clerk's certificate thereon.

See *ante*, § 1693.

County of _____, ss:

I, _____, clerk of the said county of _____, do hereby certify that _____ and _____, who are two justices of the peace in and for said county, have filed in this office the testimony taken by them in the case of the said _____, a lunatic, by which it appears that they had the evidence of _____ and _____, two reputable physicians

(residing in the town of _____, in said county), under oath, proving the alleged fact of the insanity of said lunatic; and that said justices have also filed in this office a brief report of all the other proofs, facts and proceedings in the case, in pursuance of section 22, chapter 135, of the laws of 1842.

Witness my hand and seal of the said county, this
day of _____, 18 .

[L. S.]

_____, Clerk.

§ 2106.

Lunatic pauper—Order of superintendents or overseers for sending to the asylum.

See ante, §§ 1657–1670.

To the superintendent of the New York State Lunatic Asylum.

Whereas, _____, a person who is chargeable for his support to the county of _____ [or, to the town of _____, in the county of _____], has become a lunatic, we, the undersigned superintendents of the poor of said county [or, overseers of the poor of said town], do hereby order the said _____ to be taken to the said asylum; and you, the said superintendent, are required to receive him into said asylum, and there detain and maintain him at the expense of said county, until legally discharged therefrom.

Given under our hands this _____ day of _____, 18 .
 { Superintendents of the poor
 of _____ county [or,
 Overseers of the Poor of the
 town of _____, in the
 county of _____].

[To be signed by a majority of the superintendents or overseers.]

§ 2107.

Lunatic, who is a private patient—An agreement for the support of, and for his removal.

See ante, § 1702.

Whereas, _____, of the town of _____, in the county of _____, an insane person, has been admitted as a patient into the New York State Lunatic Asylum at Utica: Now therefore, we, the undersigned, in consideration thereof, do agree with and bind ourselves to _____, the treasurer of the said asylum, to pay to him and his successors in office the sum of _____ dollars and _____ cents per week, for the care and board of said insane person, so long as _____ shall continue in the said asylum, with such extra charges as may be made or directed by the superintendent of said asylum, by reason of requiring more than ordinary care and attention; and also to provide _____ with suitable clothing, and to pay for all such necessary articles of clothing as shall be procured or ordered for _____ by the said superintendent or other officer of the asylum; and to remove _____ from the asylum whenever the room occupied by _____ shall be required for a patient, or patients, having preference by law, or whenever requested so to remove _____ by _____

the superintendent; and if shall be removed by the request of friends, contrary to the advice of the said superintendent, before the expiration of six calendar months after reception, then we agree to pay board, at the price above mentioned, for twenty-six weeks, including all extra charges, for the time has remained in the asylum; and also to pay all damages (not exceeding fifty dollars) that may do to the furniture, buildings, or other property of the asylum; for all reasonable charges and expenses in case of elopement, and funeral charges, in case of death. All such payments to be made semi-annually, on the first days of February and August, and at the time of discharge, death or removal, with interest on each bill from the time of its becoming due.

In witness whereof, we have hereunto set our hands and seals this day of , eighteen hundred and .

§ 2108.

Certificate as to the pecuniary responsibility of the parties signing the foregoing agreement.

See ante, § 1702.

I, , county judge of the county of ,
[or, treasurer of the county of , or, supervisor of the town of , in the county of , or, president or cashier of the bank, in the town of], do certify that I am well acquainted with , who have signed the within agreement, and am also acquainted with their pecuniary circumstances, and, in my opinion, each of them is abundantly able to meet and pay promptly all sums which may at any time become due upon and by virtue of said agreement.

Dated, , 18 .

§ 2109.

Drunkard — Designation of, and notice to tavern keepers, &c.

See ante, § 1608.

County of , ss: The undersigned, overseers of the poor of the town of , in said county, having discovered A. B., of said town, to be an habitual drunkard, do hereby, pursuant to section 1, title 4, chap. 20, part 1 of the Revised Statutes, designate him as an habitual drunkard and describe him as follows: [*Here describe him*]. And every merchant, distiller, shop keeper, grocer, tavern keeper, or other dealer in spirituous liquors, is required not to give or sell, under any pretense, any spirituous liquors to the said A. B.

Given under our hands, at , this day of , 18 .
C. D., }
E. F., } *Overseers of the poor.*

[Copies of the foregoing notice, signed by the overseers, should be directed to, and served personally on, all persons who are required to obey its directions. The person designated as a drunkard may contest the fact before a jury. For that purpose, he must apply to a justice of the peace of his own town for a venire. Upon such application, the justice is required to give immediate notice to the overseers of the

poor, of the time and place which he shall fix upon to try the question, and to issue a venire.]

§ 2110.

Drunkard—Notice to overseers in case jury has been applied for.

See *ante*, §§ 1610, 1611.

To the overseers of the poor of the town of _____ :

You are hereby notified that A. B., who has been designated by you as an habitual drunkard, has applied to me for process to summon a jury, and try and determine the fact of such drunkenness; and that I have fixed upon the _____ day _____ instant, at _____ o'clock in the afternoon, at my office in said town, as the time and place for such trial.

Dated at _____, 18 ____.

J. K., *Justice of the Peace.*

§ 2111.

Drunkard—Venire in case of.

See *ante*, §§ 1610, 1611.

County of _____, ss:

To any constable of the town of _____, in said county,

GREETING:

You are hereby commanded, in the name of the people of the state of New York, to summon a jury of twelve persons, competent to serve as jurors, to appear at my office in _____ aforesaid, on the _____ day of _____ instant, at _____ o'clock in the afternoon, to try the fact, whether A. B., of said town, is an habitual drunkard, he having been designated as such by the overseers of the poor of said town; and have then there a panel of the names of the jurors you shall so summon, and this precept.

Given under my hand, at _____, this _____ day of _____, 18 ____.

J. K., *Justice of the Peace.*

[Witnesses may be summoned and sworn, and their testimony enforced, in the same manner as in justices' courts. See *ante*, §§ 1612, 1613.]

§ 2112.

Drunkard—Subpœna in case of.

See *ante*, § 1612.

County of _____, ss:

To John Doe, Richard Roe, etc., GREETING:

You are hereby commanded, in the name of the people of the state of New York, to appear before me, the undernamed justice of the peace, at my office, in the town of _____, in said county, on the _____ day of _____ instant, at _____ o'clock in the afternoon, to give evidence touching the fact of the habitual drunkenness of A. B.: he having been designated by the overseers of the poor of said town as an habitual drunkard, and the said A. B., having demanded a jury to try such alleged fact.

Given under my hand, at _____, this _____ day of _____, 18 ____.

J. K., *Justice.*

[The jury are to be summoned, returned and six balloted for, as in suits in justices' courts. The six drawn must be sworn and sit as a jury.]

§ 2113.

Drunkard—Juror's oath in case of.

You do swear that you will well and truly try the fact of the alleged habitual drunkenness of A. B., and a true verdict give according to evidence.

§ 2114.

Drunkard—Oath to witness in case of.

You do swear that the evidence you shall give, touching the fact of the alleged habitual drunkenness of A. B., shall be the truth, the whole truth, and nothing but the truth.

[The verdict of the jury must be entered by the justice in a book provided by him for the purpose. If it be found that the person designated is an habitual drunkard, the justice must enter judgment against him, and award execution for the costs of the overseers of the poor, as in civil cases. § 1613.]

§ 2115.

Drunkard—Execution against.

See *ante*, § 1615.

County of _____, ss:

To any constable of said county, GREETING:

Whereas, A. B., of _____, in said county, was designated and described by the overseers of the poor of said town as an habitual drunkard; and by the verdict of a jury, duly impaneled, drawn and sworn, before me, the undersigned justice, upon the application of the said A. B.,* it is found that he is an habitual drunkard; whereupon, I did render judgment against said A. B. for the costs of the said overseers in attending the trial, amounting to the sum of _____ dollars. You are therefore hereby commanded, in the name of the people of the state of New York, to levy the said costs of the goods and chattels of the said A. B. (excepting such goods and chattels as are exempt by law from execution), and bring the money which you shall collect, _____ days from the date hereof, before me, at my office in _____, to render to said overseers; and if no such goods and chattels, or not sufficient to satisfy this execution, can be found, you are further required to take the body of the said A. B. and convey him to the common jail of said county, there to remain until this execution be paid, or he be thence discharged according to law.

Given under my hand, at _____, this _____ day of _____, 18 ____.

J. K., *Justice of the Peace.*

§ 2116.

Drunkard—Execution against the overseers in case of.

See *ante*, § 1616.

County of _____, ss:

To any constable of said county, GREETING:

Whereas, A. B., &c. [as in § 2104, to the *, and then add], it is found that he is not an habitual drunkard; and inasmuch as it appears to me

that the said overseers of the poor did not act in good faith, and that they had no reasonable cause to believe the said A. B. to be an habitual drunkard, I have entered judgment against the said overseers of the poor for the costs of said A. B., amounting to the sum of dollars. You are therefore commanded, in the name of the people of the state of New York, to levy the said costs, &c. [*Draw the residus of the execution as in ordinary cases.*]

J. K., *Justice of the Peace.*

§ 2116½.

Drunkard — Revocation by the overseers in case of reformation.

See *ante*, § 1618.

County of , ss:

The undersigned, overseers of the poor of the town of , being satisfied that A. B., respecting whose drunkenness a notice has heretofore been given by the overseers of the poor of said town, has reformed and become temperate, hereby revoke and annul the notice given in the case of the said A. B., aforesaid.

Given under our hands, at , this day of , 18 .
C. D., } *Overseers of the poor.*
E. F., }

§ 2117.

Disorderly person — Complaint against.

See *ante*, § 1297.

County of , ss:

To , Esq., a justice of the peace for the town of ,
in said county:

A. B., of said town, being duly sworn, says that C. D. is, as the said deponent believes, a disorderly person, within the meaning of the statute in such case made and provided; in this, to wit: that the said C. D. [*insert the facts on which the charge is founded, and conclude as in § 2080.*]

[Upon the complaint, the justice is required to issue his warrant to apprehend the offender and bring him up for examination. The warrant may be in the same form as in § 2081, except that it is drawn in accordance with the charge in the complaint. Upon the examination of the offender, if the charge is sustained by his own confession, or by competent testimony, the justice may require him to find sureties for his good behavior for one year.]

§ 2117½.

Disorderly person — Recognizance of.

See *ante*, § 1297.

County of , ss:

We, C. D., E. F. and G. H., of , in said county, acknowledge ourselves indebted to the people of the state of New York, that is to say, the said C. D., in the sum of dollars, and the said E. F. and G. H., each in the sum of dollars, to be respectively made and levied of our several goods and chattels, lands and tenements,

to the use of the said people, if default shall be made in the condition following:

The condition of this recognizance is such, that if the said C. D. shall be and continue of good behavior toward the people of the state of New York, for the space of one year from and after this date, then such recognizance to be void; otherwise of force.

C. D. { L. s.
E. F. { L. s.
G. H. { L. s.

Taken, subscribed and acknowledged before me, this day of 18 .

L. M., Justice, etc.

§ 2118.

Disorderly person—Discharge of.

See ante, § 1301.

County of , ss:
To the keeper of the common jail of said county, GREETING:

Whereas, C. D. was lately committed to your custody in said jail by the warrant of L. M., a justice of the peace of said county, upon the conviction of the said C. D. before the said justice of being a disorderly person, and upon the failure of said C. D. to procure sureties for his good behavior, according to law; and whereas, the said C. D. has given such sureties as were originally required by said justice from him: Now, therefore, we, being two justices of the peace of said county, do require you, forthwith, to discharge the said C. D. out of your custody in said jail, under his commitment, as aforesaid.

Given under our hands, at , this day of 18 .
L. M., }
N. O., } Justices.

§ 2119.

Disorderly person—Jailor's report relative to.

See ante, § 1302.

County of , ss:
To the court of sessions of said county:

The following is a list of the persons committed as disorderly persons to the common jail of said county, since the last session of the said court, and now in custody of the undersigned, with the nature of their offenses, the names of the justices committing them, and the time of imprisonment, to wit:

List of persons so committed and now in custody.	Nature of their offenses, respectively.	Names of the justices committing them.	The time of imprisonment.

Dated at , in said county, this day of 18 .
J. C., Keeper of the jail of said county.

§ 2120.

Bastardy — Application in, by superintendents or overseers before birth of child.

See *ante*, § 1313.

county, ss:
To _____, Esq., justice of the peace of the county of _____ :
being pregnant of a child, which is likely to be born a bastard, and become chargeable to said county [*or, town or city, as the case may be*], the undersigned, pursuant to section 5, title 6, chapter 20, part 1, of the Revised Statutes of the state of New York, apply to you to make inquiry into the facts and circumstances of the case.

Given under my hand, at the _____ of _____, this _____ day of _____, 18 ____.

Superintendent [or, Overseer of the poor.]

§ 2121.

Bastardy — Affidavit of pregnancy.

See *ante*, §§ 1313, 1314.

county, ss:

The voluntary examination of _____ of _____, in the _____ of _____, taken in writing, upon oath before _____, one of the justices of the peace of the _____, who saith that she is now with child, and has been so for about _____ months last past, and that the said child is likely to be born a bastard, and to be chargeable to the said county of _____; that she is, and has for one year past been, an unmarried woman [*or* _____, her husband has continued absent out of this state for one whole year previous to such birth, separate from her and leaving her during that time continuing and residing in this state; and that such child was begotten and will be born during such absence and separation; *or* that such child was begotten and will be born during the separation of its mother from her husband, pursuant to a decree of a court of competent authority]; and that _____ hath gotten her with child of the said bastard child.

Taken upon oath before me, this }
day of _____, 18 ____ }

_____, *Justice of the Peace.*

§ 2122.

Warrant against reputed father prior to birth of child.

See *ante*, § 1314.

county, ss:

To the sheriff, or any constable of said county, or policemen of the _____ of _____, GREETING:

Whereas, upon the application of _____, the superintendent of the poor of said county [*or, overseer of the poor of the town or city of*] _____ in said county, to me _____, one of the justices of the peace of the said county of _____,

I have ascertained by the examination, on oath of _____, that she is now pregnant of a child likely to be born a bastard, and to be chargeable to the said county, and [*recite examination*] _____ is the reputed father of such child; these are, therefore, to command you forthwith to apprehend the said _____, and bring him before me, at my office, in the town of _____, in said county of _____, for the purpose of having an adjudication respecting the filiation of such child likely to be born a bastard.

Given under my hand, this _____ day of _____, 18____, _____, *Justice of the Peace.*

§ 2123.

Bastardy — Affidavit of mother in, after birth of child.

See ante, §§ 1313, 1314.

_____ county, ss:
The voluntary examination of _____, of _____, in the _____ of _____, taken on oath before me, _____, one of the justices of the peace of the _____, who saith, that on the _____ day of _____, in the year of our Lord one thousand eight hundred _____, at the _____ of _____, she was delivered of a _____ male bastard child, and that the said child is likely to be chargeable to the county of _____, aforesaid, and that

_____ hath gotten her with child of the said bastard child.

Taken upon oath before me, this {
day of _____, 18____. }

_____, *Justice of the Peace.*

§ 2124.

Warrant against the father after birth of child.

See ante, § 1314.

_____ county, ss:
To the sheriff or any constable of the county of _____, or policeman of the _____ of _____, and to all and every one of them. GREETING:

Whereas, _____ of the said _____ of _____, a woman, hath, in her examination, taken this _____ day of _____, 18____, in writing upon oath before me, _____, one of the justices of the peace of the said _____, declared on the _____ day of _____, 18____, at the said _____ of _____, she was delivered of a _____ male bastard child, and that the said child now is, and is likely to continue to be, chargeable to said _____ of _____, and that _____ is the father of the said bastard child.

And whereas, application hath been made to me by one of the superintendents of the poor of the said county, to make inquiry into the facts and circumstances of the case; and having, upon such inquiry, ascertained that said _____ is the reputed father of such child so born a bastard.

These are, therefore, in the name of the people of the state of New York, to command and authorize you, immediately, to apprehend the

said _____, and forthwith to bring him before me, the undersigned justice of the peace, at the said _____ of _____, for the purpose of having an adjudication respecting the filiation of such bastard child.

Given under my hand, this _____ day of _____, 18 ____ .
_____, *Justice of the Peace.*

§ 2125.

Indorsement to be made by justice upon the warrant when reputed father resides in, or is in, another county.

See ante, § 1515.

County of _____, ss:

I, the within named justice of the peace of the said county, hereby direct that the penal sum which any bond shall be taken of the within named _____, shall be _____ dollars.

Dated at _____, this _____ day of _____, 18 ____ .
_____, *Justice of the Peace.*

§ 2126.

Indorsement to be made by the justice in the county where warrant is to be executed.

See ante, § 1315.

County of _____, ss:

The within warrant, with the indorsement made thereon by the justice of the peace by whom it was issued, of the sum required to be put in the bond, having been presented to me, a justice of the peace of and residing in said county of _____, and due and legal proof having been made to me by the oath of _____, of the handwriting of the said justice who issued the said warrant, authority is by me hereby given to arrest the within named _____, in the said county of _____.

Dated at _____, the _____ day of _____, 18 ____ .
_____, *Justice of the Peace.*

§ 2127.

Bastardy — Putative father's bond on arrest in another county.

See ante, § 1316.

Know all men by these presents: That we, C. D. and R. F., of _____, in the county of _____, are held and firmly bound unto the people of the state of New York, in the sum of _____ dollars, for the payment whereof to the said people we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this _____ day of _____, 18 ____.*

Whereas, the said C. D. has this day been brought before the undersigned one of the justices of the peace of the county of _____, by virtue of a warrant issued by G. H., one of the justices of the peace of the county of _____, whereon the name of the said justice [or, of O. M., one of the justices of the peace of the said county of _____] is indorsed, with an authority to arrest the said C. D. in the said county of _____; in which warrant it is recited that E. B., of _____, in said county of _____, upon her examination, on oath, before the said G. H., justice, did declare herself pregnant of a child, which is likely to be born a bastard,

and to become chargeable [*or, did declare that she was, on the day of , at aforesaid, delivered of a bastard child, which is chargeable*] to said town [*or, county*]; and upon the said warrant is indorsed the direction of the said G. H., that the penal sum in which any bond should be taken, of the said C. D., should be \$: Now, therefore, if the said C. D., &c. [*Insert one of the conditions expressed in § 1316*], then the above obligation to be void, otherwise of force.

Scaled and delivered in presence of,) C. D. [L. S.]
and the security approved by me,) R. F. [L. S.]
M. B., Justice.

[If the person so apprehended does not execute such bond, it is the duty of the constable to take him before the justice who issued the warrant; or, if he be dead, or has vacated his office, or is absent, then before some other justice of the same town. Such justice must immediately call to his aid some other justice of the same county, and the two justices must then proceed, without unnecessary delay, to make examination of the matter. Either of the justices may issue subpoenas to compel the attendance of witnesses upon such examination.]
See *ante*, § 1319.

§ 2128.

Bastardy — Subpœna in case of.

See *ante*, § 1319.

County of , ss:
To John Doe, Richard Roe, &c., GREETING:
You are hereby commanded, in the name of the people of the state of New York, personally to appear before and , the undersigned, two of the justices of the peace of said county, forthwith [*or, as the case may be*], at the office of the undersigned, in , in said county, to testify what you do know touching the father of a bastard child wherewith E. B. alleges she is now pregnant, [*or, which was lately born of E. B.*]

Witness my hand, this day of , 18 .
G. H., Justice of the Peace.

[If the justices, when convened, are not prepared to proceed, or the person charged requires delay, and assigns sufficient reasons therefor, they may adjourn the examination for a period not exceeding six weeks. The person charged must give a bond, with sureties, for his appearance on the adjourned day, in such a penalty as shall be deemed a full indemnity for the expense of supporting the bastard and its mother.]
See *ante*, § 1320.

§ 2129.

Bastardy — Bond on adjournment in case of.

See *ante*, §§ 1320, 1324.

Know all men, etc. [*as in § 2116, down to the *, and then add*], the condition of this obligation is such that, whereas, the undersigned, C. D., has this day been brought before and , two of the justices of the peace of said county, charged upon the oath of E. B., of , aforesaid, as the reputed father

of a bastard child with which the said E. B. alleges she is pregnant [*or*, of a bastard child lately born of the said E. B.] And, whereas, at the request of the said C. D., and for sufficient reasons given, the said justices have determined to adjourn the examination, and adjudication respecting such charge, upon the execution of this bond, until the day of , inst., at o'clock, in the noon, at the office of the said G. H., in : Now, therefore, if the said C. D. shall personally appear before the said justices, at the time and place last aforesaid, and not depart therefrom without leave, then this obligation is to be void, otherwise of force.

Sealed, etc.

C. D. [L. s.]
R. F. [L. s.]

[Upon the examination and hearing before the justices, the mother must be again examined on oath, in the presence of the reputed father; and such other testimony must be heard as may be offered in relation to the matter. § 1319. If they determine that the person under arrest is not the father of the child, he must be forthwith discharged; but if they determine that he is the father, they must make the order of filiation, specifying their determination. § 1321. Their proceedings must be reduced to writing, and subscribed by them.]

§ 2130.

Bastardy—Order of filiation in case of.

See *ante*, § 1321.

County of , ss:

Whereas, we, the undersigned, being two justices of the peace of said county, having this day associated at , in said county, upon the application of E. F., overseer of the poor of the town of [or, superintendent of the poor of said county], for the purpose of making an examination and determination touching a certain bastard child, lately born in said town of the body of E. B. [*or*, of a certain child wherewith E. B. is said to be pregnant, and which, when born, will be a bastard], and chargeable [*or*, likely to become chargeable] to said town [or, county], and of which child C. D. was alleged to be the father: And, whereas, we have duly examined the said E. B. on oath, in the presence of the said C. D., touching the father of said child, and have also heard the proofs and allegations to us offered in relation thereto, as well on the part and behalf of the said overseer [*or*, superintendent], as of the said C. D., whereby it appears that the said E. B. was, on the day of , delivered of a bastard child, * in said town [*or*, that the said E. B. is now pregnant of a child, which, when born, will be a bastard], and which is chargeable [*or*, likely to become chargeable] to said town [or, county], and that C. D. is the father of said child: We do, therefore, adjudge him, the said C. D., to be the father of the said bastard child: and, further, we do hereby order that the said C. D. pay to the overseer of the poor of said town of [or, to the superintendent of the poor of said county], for the support of said child, the weekly sum of one dollar, so long as the said child shall continue chargeable to said town [or, county]; and, inasmuch as it appears to us, and we find, that the said E. B. is in indigent circumstances, we determine and order that said C. D. pay to the said overseer of the poor [*or*,

superintendents], for the sustenance of the said E. B. during her confinement and recovery therefrom, the sum of dollars. And we do hereby certify the reasonable costs of apprehending and securing the said father, and of the order of filiation, at the sum of dollars.

Given under our hands, at , this day of , 18 .

G. H., }
S. T., } *Justices.*

[Upon receiving notice of the order of filiation, the reputed father must immediately pay the costs and execute the bond with one of the conditions specified in § 1322. If the reputed father refuses to pay the costs, he may be committed, notwithstanding he may have given the bond.]

§ 2131.

Bastardy—Bond under order of filiation in case of.

See §§ 1319, 1324.

Know all men, etc. [*as in § 2116, to the *, and then add*], the condition of this obligation is such that, whereas, by an order this day duly made and subscribed by the undersigned, justices of the peace of said county, it is adjudged that the said C. D. is the father of a bastard child of which E. B. is pregnant, and which is likely to become chargeable [*or, of a bastard child lately born in said town of E. B., and which is chargeable*] to said town [*or, county*]; and it was thereupon ordered by the said justices, that, etc. [*recite the order for the support of the bastard and sustenance of the mother, as in § 2119*]. Now, therefore, if the said C. D. shall pay the sums for the support of the bastard child and the sustenance of its mother, as the same are ordered by the said justices as aforesaid, or shall be at any time hereafter ordered by the court of sessions of said county, and shall fully and amply indemnify the said town [*or, county*], and every other county, town, or city, which may have incurred any expense, or may be put to any expense, for the support of such child or its mother during her confinement or recovery therefrom, against all such expenses, then this obligation to be void; otherwise of force. [*If the party intends to appeal, instead of the foregoing, say: Now, therefore, if the said C. D. shall personally appear at the next court of sessions of said county, and shall not depart the said court without leave, then this obligation to be void; otherwise of force.*]

Signed, sealed and delivered) [L. S.]
in the presence of { [L. S.]

§ 2132.

Bastardy—Warrant to commit the father on his neglect or refusal to execute bond.

See *ante*, §§ 1322–1324.

County of , ss:
The people of the state of York—To any constable of county,
and the keeper of the county jail of said county, GREETING:
Whereas, by an order made the day of , 18 , by

the and , two of the justices of the peace of the of , is adjudged to be the reputed father of , chargeable to , which said order was made after an examination had upon the application of , the of the poor of the said county.

And whereas, in and by the said order, it was ordered that the said should pay to the of the poor of the said county , the sum of dollars, weekly, and every week, for the support of said bastard child, for and during so long a time as said bastard shall be chargeable to said : And, also, that the said should pay to the said of the poor the sum of dollars, for the sustenance of the mother of said bastard during her confinement and recovery therefrom: And in and by said order, the costs of apprehending the said and making said order were certified at dollars.

And whereas, notice of said order was immediately given by said justice to the said , and he was required by them to pay the said costs, and to enter into a bond in the sum of hundred dollars, conditioned for the performance of said order, according to the statute in such case made and provided.

And whereas, the said hath neglected to pay said costs, and to enter into such bond as aforesaid:

These are, therefore, to command you, the said constable, to take the said , and convey and deliver him to the keeper of the common jail of said county. And you, the said keeper, are hereby commanded to receive the said into your custody in said jail, and there safely keep him until he shall pay the said costs, and execute such bond, in the penal sum aforesaid, as required by said justices, or until he shall be discharged by the court of sessions of said county.

Given under our hands, at the of , aforesaid, the day of , 18 .

, Justices of the Peace of the .

§ 2133.

Bastardy—Order of filiation in the absence of the reputed father, apprehended in another county.

See *ante*, § 1327.

County of , ss:

C. D., having been apprehended in the county of , in the state of New York, by virtue of a warrant and the direction thereon indorsed, of which the following are the copies, to wit: [*insert copies.*] was carried before M. B., Esq., a justice of the peace of said county of , who took from him, the said C. D., a bond to the people of the state of New York, with good and sufficient sureties, in the sum directed in the indorsement on said warrant, conditioned that the said C. D. shall appear at the next court of sessions to be holden in the county of , and not depart the said court without its leave; and the said bond having been in due form of law returned to the undersigned, G. H., the justice who issued the said warrant, he thereupon immediately called to his aid the undersigned, S. T., another justice of the same county, and the said justices proceeded to make

examination of the matter, on the day of , 18 , at , in said town, and then and there heard the proofs that were offered in relation thereto; by which it was proven that the said E. B., being in the said town of , has been delivered of a bastard child, &c. [*conclude as in form § 2130, from the **].

[If the mother of an illegitimate child refuses to disclose the name of the father of such child, the justices may commit her to the common jail of the county, by a warrant under their hands, which may be in the following form:]

§ 2134.

Bastardy—Warrant to commit mother who refuses to disclose the name of the father.

See ante, § 1328.

County of , ss:

To any constable of said county, GREETING:

Whereas, we, the undersigned, justices of the peace of said county, are now associated for the purpose of examining into the matter, and making order for the indemnity of the town of , in said county [*or, for the indemnity of the said county*], against the support of a certain child, said to have been born a bastard, of the body of E. B., and chargeable [*or, likely to become chargeable*] to said town [*or, county*], upon the application of E. F., overseer of the poor of said town [*or, a superintendent of the poor of said county*], have required the said E. B., who is now before us, to submit to an examination on oath, in the presence of C. D., who has been brought before us, charged with being the father of said child, to testify touching such charge, and to disclose the name of such father, but the said E. B. wholly refuses to testify and disclose; and inasmuch as it now appears to us, upon due proof thereof, given on oath before us, that more than a month has elapsed since the said E. B. was delivered of said child, and that she is now sufficiently recovered from confinement: You are, therefore, hereby commanded, in the name of the people of the state of New York, to take the said E. B., and convey her to the common jail of said county, the keeper whereof is required to detain the said E. B. in his custody in said jail until she shall so testify and disclose the name of such father.

Given under our hands, at , this day of 18 .

} Justices.

§ 2135.

Bastardy—Summons where mother has property in her own right.

See ante, §§ 1329, 1330.

County of , ss:

To any constable of said county, GREETING:

You are hereby required to summon E. B., of the town of , in said county, to appear before us, the undersigned, justices of the peace of said county, on the day of , instant, at two o'clock in the afternoon, at the office of the undersigned, G. H., to show cause, if any she may have, why we should not make an order for the keeping of a bastard child, said to have been lately born of the said E. B., and chargeable [*or, likely to become chargeable*] to said

in relation to the keeping of a certain bastard child, lately born in said county, of the body of E. B., which is chargeable to the town of [or, said county], we directed, etc. [as in the order]; which order was so made upon the application of E. F., overseer of the poor of said town [or, a superintendent of the poor of said county], and after due notice to the said E. B. to show cause, if any she might have, against the making of such order; and, whereas a copy of said order, subscribed by us, has been served upon the said E. B., and she has neither executed the bond by law required for her appearance at the next court of sessions, etc., nor complied with the requirements of said order: You are, therefore, hereby commanded, in the name of the people of the state of New York, to take the said E. B., and convey her to the common jail of said county, there to remain, without bail, until she shall comply with said order, or execute the bond authorized by statute as aforesaid.

Given under our hands, at , this day of , 18 .

G. H., }
S. T., } Justices.

[If the mother executes the bond, the justices must transmit the same, with the order of sustenance, to the clerk of the county, before the opening of the next court of sessions, or copies of such bond and order, signed by the justices. All further proceedings in the case are then to be conducted before the court of sessions. § 1334.

It may happen that the woman will refuse to appear voluntarily before a justice or justices to disclose the name of the putative father. In such cases they have power to compel her attendance, and may issue process for that purpose.]

§ 2137.

Bastardy — Process to compel attendance of mother before justices in case of.

See ante, § 1328.

County of as :

To any constable of said county, GREETING :

Whereas, we, the undersigned justices of the peace of said county, have, upon the application of the overseers of the poor of the town of , in said county [or, the superintendents of the poor of said county], associated for the purpose of examining into the matter of a certain complaint made to us by said overseers [or, superintendents], that E. B., of said town, is now pregnant with a child, which, when born, will be a bastard, and which is likely to become chargeable to said town [or, county; or, that E. B. has been delivered in said town of a bastard child, which is chargeable, or likely to become chargeable, to said town or county]; and C. D. having been brought before us this day, charged to be the putative father of said child: Now, therefore, to the intent that the said E. B. may be examined before us, on oath, and in the presence of the said C. D., touching the father of said child, you are hereby commanded, in the name of the people of the state of New York, to bring the said E. B., forthwith, before us, at the office of the undersigned, G. H., in , aforesaid.

Given under our hands at , this day of , 18 .

G. H., }
S. T., } Justices.

[If the putative father, or the mother of a bastard, or of any child likely to be born a bastard, and likely to become chargeable, run away from their ordinary residence, leaving such bastard or child, the overseers of the poor of the town, or the superintendents of the poor of the county, may apply to any two justices of the peace of the county where any estate, real or personal, of such father or mother may be, for a warrant to seize such estate. § 1360. Proof of the facts must be made to the justices.]

§ 2138.

Bastardy—Warrant to seize the property of absconding father or mother in case of.

See ante, § 1360; also §§ 8, 9.

County of _____, ss:
To the overseers of the poor of the town of _____, in said county
[or, to the superintendents of the poor of said county]:

It appearing to us, two of the justices of the peace of said county, as well by the representation and application to us made by the said overseers [or, the said superintendents], as upon due proof of the facts before us given, that C. D. is the father of a bastard child whereof E. B., of said town, is now pregnant, and which, when born, is likely to become chargeable to said town [or, county, or, that C. D. is the father of a bastard child lately born in said town, of E. B., and which is chargeable, or likely to become chargeable, to said town, or, county], and that said C. D. has absconded from said town, which is the place of his ordinary residence, leaving in said county some estate, real or personal: We, therefore, &c. [*Conclude as in § 2060.*]

§ 2139.

Bastardy—Order reducing sum to be paid by father or mother in case of.

See ante, § 1331.

County of _____, ss:
To the overseers of the poor of the town of _____, in said county
[or, the superintendents of the poor of said county]:

Whereas, by an order of filiation by us made, bearing date the day of _____ last, we did determine that C. D. is the father of a certain bastard child, then lately born in _____ aforesaid, and did therein order, among other things, that the said C. D. should pay to you, the said overseers [or, superintendents], for the support of said child, the weekly sum of one dollar, so long as said child should continue chargeable to said town [or, county]. And, whereas, upon the application of the said C. D., we have this day inquired into the circumstances of the case, and heard the proofs and allegations to us submitted in relation thereto; and it appearing to us, upon such inquiry, that the circumstances in relation to said bastard child render it proper and expedient that the sum required to be paid by the said C. D., by our former order, should be reduced, as hereinafter expressed: And, inasmuch as you, the said overseers [or, superintendents], have shown before us no sufficient reason against such reduction, although appearing before us [or, notified to appear before us and show cause, if any you might have], we do, therefore, reduce the sum required to be paid

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Given under our hands, this day of , 18 .

**G. H., { Justices.
S. T., }**

Bastardy—Notice by superintendent or overseer, that application will be made to the court of sessions to increase the amount payable in the order of filiation.

You will take notice, that I shall make application to the next court of sessions of the county of _____, to be holden at _____, in said county, on the _____ day of _____, at ten o'clock in the forenoon, to increase the sum directed to be paid by the order of filiation, of which the annexed is a copy, for the support of the bastard child therein named; which said application will be founded on the affidavits, copies of which are also annexed.

Bastardy—Notice to be given to superintendent or overseer for reducing amount in order of filiation.

You are hereby notified that I shall make application to the next court of sessions of the county of _____, to be holden at _____, in said county, on the _____ day of _____, 18____, at ten o'clock in the forenoon, to reduce the amount directed to be paid by the order, &c. [as in § 2140, except that the notice must be signed by the other party.]

Under § 1332, any person aggrieved (unless he has given a bond to indemnify the public) may appeal from the order of filiation made by two justices, to the next court of sessions. If a bond for appearance has been given by the father or mother of a bastard, that bond, by § 1332, is to be regarded as an appeal from the order of filiation. If no such bond has been given, the person appealing must give notice to the two justices making the order, in the following form:—

You will take notice that the undersigned, conceiving himself aggrieved by the order made by you, of which a copy is annexed,

Dated at _____, this _____ day of _____, 18 ____.

C. D.

§ 2143.

Bastardy — Release or compromise in case of.

See *ante*, §§ 1377, 1381, 1382.

Know all men by these presents, that, whereas, complaint was made on the day of , 18 , before , Esq., a justice of the peace of the county of , by , on oath, charging with being the reputed father of a child, of which the said is now pregnant, and which, when born, will be a bastard, and likely to become [or, the father of a bastard child, of which the said was on the day of , 18 , delivered, and which said child is] chargeable to said county; and,

Whereas, the said _____ was arrested on said charge, and brought before _____ and _____, justices of the peace of said county, and _____, the father of said child (of which the said _____ is now pregnant), [or, so born a bastard], as aforesaid.

Now, therefore, of the poor of said county, for and in consideration of the sum of dollars, to paid, as such superintendent, and by virtue of the statutes in such case made and provided, do hereby compromise the said charge, and release and discharge the said from all liability to the, or to the superintendent of the poor thereof, by reason of the liability of the said to support the said [or, bastard] child, or from any other cause, by reason of the birth of said [or bastard] child.

[illegible]

§ 2144.

Inn, Tavern or Hotel Keeper—Application for License.

See *ante*, §§ 1560, 1574.

To the board of commissioners of excise of the town [or, village, or
city, as the case may be] of _____, in the county of _____.

The undersigned respectfully represent that he is desirous to sell and dispose of strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises [to be known as the "A. B. Hotel"], at _____,

in said of , proposing to keep an inn, tavern or hotel thereat, and to this end present to your honorable body the petition of twenty freeholders, as required by law, and pray in own behalf as the only person intended to be interested in the business aforesaid that may have a license, as above stated, pursuant to law, upon paying such license fee as may be lawfully required in the premises.

Dated at , 18 .

§ 2145.

Inn, Tavern or Hotel Keeper — Freeholders' petition for license to.

See ante, § 1574.

To the board of commissioners of excise of the town [or, village, or city, as the case may be] of in the county of :

The undersigned petitioners respectfully represent to your board that they are severally freeholders of the state of New York, and residents of election district, in the of and county of .

Your petitioners further respectfully represent that A. B., who is a resident of said election district in the of and county of , is an applicant for a license to sell strong and spirituous liquors, wines, ale and beer on the premises in said and election district, where he proposes to keep an inn, tavern or hotel, known as the "A. B. Hotel;" that the said A. B. is a person of good moral character, and has sufficient ability to keep the inn, tavern or hotel, and the necessary accommodations to entertain travelers; and, further, that an inn, tavern or hotel is required at the same place for the actual accommodation of travelers.

Your petitioners further represent that they have not signed any other memorial during the present year for any other license to be granted in the same

Your petitioners therefore ask that a license may be granted to said applicant to sell strong and spirituous liquors to be drunk on the premises aforesaid.

Dated	, this	day of	, 18 .
1		11	
2		12	
3		13	
4		14	
5		15	
6		16	
7		17	
8		18	
9		19	
10		20	

Signed in the presence of C. D.

County of , ss:

C. D., of , of , being duly sworn, doth depose and say, that he is the subscribing witness to the above memorial; that he knows the persons whose names are attached to the said memorial, and saw each of them sign the same, and that he thereupon became the subscribing witness.

Sworn before me, this {
day of , 18 . }

§ 2146.

*Inn-keeper, tavern or hotel keeper — Bond for license.*See *ante*, § 1575.

Know all men by these presents, that we, A. B., principal, and C. D. and E. F., sureties, all of the _____, county of _____, and state of New York, are held and firmly bound unto the people of the state of New York, in the penal sum of two hundred and fifty dollars to be paid to the said people, for which payment well and truly to be made, we bind ourselves, and each of our heirs, executors and administrators jointly and severally, firmly by these presents.

Sealed with our seals. Dated the _____ day of _____, 18 ____.

Whereas, the said A. B. intends keeping an inn, tavern or hotel, to be known as the "A. B. Hotel," at the _____ of _____ in the said county, and is an applicant to the board of commissioners of excise of the _____, for a license to sell strong and spirituous liquors, wines, ale and beer, to be drank in said inn, tavern or hotel, pursuant to the provisions of an act regulating the sale of intoxicating liquors, passed April 16, 1857, and the subsequent acts passed in addition thereto and amendatory thereof.

Now, therefore, the condition of this obligation is such, that if the said A. B., during the time he shall keep an inn, tavern or hotel, will not suffer it to be disorderly, or suffer any gambling, or keep a gaming table of any description within the inn, tavern or hotel so kept by him, or in any out-house, yard or garden belonging thereto, then this obligation to be void: else to remain in force.

Signed, sealed and delivered {	A. B. [L. s.]
in the presence of }	C. D. [L. s.]
	E. F. [L. s.]

§ 2147.

Acknowledgment of the foregoing bond.

County of _____, ss.:

On this _____ day of _____, 18 ____, before me came personally A. B., C. D. and E. F., who are to me well known to be the individuals described in and who executed the foregoing bond, and severally acknowledged that they executed the same for the uses and purposes therein mentioned.

§ 2148.

Justification of sureties to said bond.

STATE OF NEW YORK, } ss:
County of _____,

C. D. and E. F. being duly and severally sworn, each for himself, doth depose and say, that he resides in the _____ of _____, in the county of _____, is a freeholder within the state of New York, is in property worth the sum of five hundred dollars over and above all his debts, liabilities and responsibilities, besides his property by law exempt from levy and sale on execution.

Severally subscribed and sworn to before {
me this _____ day of _____, 18 ____ }

C. D.
E. F.

§ 2149.

The foregoing bond, as to form and sufficiency of the sureties therein named, is, by the board of commissioners of excise in and for the
 of , in the county of , this day hereby approved.
 Dated this day of , 18 .

Commissioners of Excise for

§ 2150.

Inn-keepers license to sell strong or spirituous liquor, etc.

See ante, §§ 1558, 1560, 1574, 1575.

Whereas, an application has been heretofore presented in due form to the board of commissioners of excise in and for the town [or village or city as the case may be] of in the county of , by A. B., of the said , setting forth that A. B. purposes to keep an inn, tavern or hotel to be known as the "A. B. Hotel," at the , in the said , and praying for a license to sell and dispose of strong and spirituous liquors, wines, ale and beer, in quantities less than five gallons at a time, to be drank on the premises aforesaid, and also accompanied by a petition of twenty respectable freeholders resident in said , as by law provided, on his behalf, and it satisfactorily appears that said applicant A. B. is of good moral character and sufficient ability to keep an inn, tavern or hotel, and has the necessary accommodations to entertain travelers, and that an inn, tavern or hotel is required for the actual accommodation of travelers at the place where said applicant proposes to keep the same, and said A. B. having also been approved by said board, and having paid the sum of required of him as license fee, and given the necessary bond.

Now, therefore, be it known that license has been and is hereby granted to said A. B. to sell and dispose of strong and spirituous liquors, wines, ale and beer as aforesaid, for the period of one year from this day , 18 .

Provided, however, that the said license shall not expose for sale, or sell, or give away, or dispose of, any strong or spirituous liquors, wines, ale or beer, on any day between the hours of one and five o'clock in the morning, and that the premises aforesaid shall be closed between such hours.

Provided, also, that this license (which is granted to the said licensee individually), is not assignable or transferable, and is to be exercised at the place named herein only, or at the said inn, tavern or hotel, and in accordance with the provisions of law in such case made and provided.

Witness our hands at the , this day of , 18 .

Commissioners of excise of the

§ 2151.

Storekeeper — Application for license.

See ante, §§ 1579, 1580.

To the board of commissioners of excise for the town [or, village or city as the case may be] of , in the county of .

The undersigned respectfully represent that resident of the said , and storekeeper , and propose to keep store at , in the said , that desirous

to sell and dispose of strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, at the said store of the undersigned, at , in , but not to be drank on the said premises, nor in the house or shop of the undersigned, or in any out-house or yard or garden appertaining thereto or connected therewith.

And therefore on behalf of , as the only person to be interested therein, pray that a license may be granted to the undersigned for the purpose aforesaid on paying such lawful license fee as may be required in the premises.

Dated , 18 .

§ 2152.

Storekeeper's bond for license.

See *ante*, § 1580.

Know all men by these presents, that we, A. B., principal, and C. D. and E. F., sureties, all of , county of , and state of New York, are held and firmly bound unto the people of the state of New York, in the sum of five hundred dollars, to be paid to the said people, for which payment well and truly to be made, we bind ourselves, our and each of our heirs, executors and administrators, jointly and severally by these presents.

Sealed with our seals, and dated the day of , 18 .

Whereas, the said A. B. is an applicant to the board of commissioners of excise of the for a license to sell strong and spirituous liquors, wines, ale and beer, pursuant to the provisions of an act entitled "An act to suppress intemperance and regulating the sale of intoxicating liquors," passed April 16, 1857, and the acts passed in addition and subsequent thereto.

Now, therefore, the condition of this obligation is such, that if the said A. B. will not, during the term for which such license shall be granted suffer his place of business to become disorderly, and will not sell or suffer to be sold any strong or spirituous liquors, or wines, ale or beer to be drank at said premises, or in his shop, or house, or in any out-house, yard or garden appertaining thereto, and that he will not suffer any such liquors sold by virtue of such license to be drank in his shop or house, or in any out-house, yard or garden belonging thereto, then this obligation to be void, else to remain in force.

Signed, sealed and delivered }
in the presence of }

A. B. [L. S.]
C. D. [L. S.]
E. F. [L. S.]

[N. B.—The sureties to the bond must justify in the same form as set forth in § 2148, except that such justification must be in the sum of one thousand dollars instead of five hundred dollars.

The bond should be acknowledged by the obligors therein, and the board of commissioners of excise should approve of the bond as to form and sufficiency. See Forms *ante*, §§ 2147–2149.]

§ 2153.

Storekeeper's license.

See *ante*, §§ 1562, 1579, 1580.

We, the undersigned, the board of commissioners of excise for the , having been applied to by , resident of

, who proposes to keep at
 license to sell strong and spirituous liquors, wines, ale and
 n quantities less than five gallons, and for which he has paid a
 e fee of dollars, determined by us, and being satisfied
 he is of good moral character, we do therefore grant this license
 rizing , for the period of one year from the day
 , 18 , to sell at the said strong and spirituous
 s, wines, ale and beer in quantities less than five gallons, but not
 drank in shop, house or out-house, yard or garden, and
 expressly declared that this license shall not be deemed to author-
 ch sale of any liquors or wines to be drank in the house or shop
 d licensee, or in any out-house, yard or garden appertaining
 o or connected therewith. And it is further declared that this
 e is granted to the said licensee individually, and is not transfer-
 or assignable, and is to be exercised only at the premises named
 1, and in accordance with the provisions of law, and that he is
 o expose for sale, or sell, or give away any strong or spirituous
 s, wines, ale or beer between the hours of one and five in the
 ing, and that the premises aforesaid are to be closed between
 ours.
 witness whereof, we have hereunto subscribed our names this
 f , 18 .

Commissioners of Excise.

§ 2154.

Ale and Beer — Application for license to sell.

See ante, § 1587.

ie board of commissioners of excise for the town [or village, or
 ity, as the case may be] of :
 e undersigned respectfully represent that
 ous to sell ale and beer in quantities less than five gallons at a
 to be drank on the premises , in the
 herefore prays that may be licensed to sell as aforesaid,
 payment of the usual fee in such case provided by law.
 ted at , on the day of , 18 .

§ 2155.

Ale and beer — License to sell.

See ante, § 1587.

, the undersigned, the board of commissioners of excise for the
 [or village, or city, as the case may be] of ,
 g been applied to by a resident of the ,
 license to sell ale and beer, to be drank on the premises known
 , at , and being satisfied that
 applicant of good moral character, and having paid the
 e fee of , determined by us therefor ,
 lo therefore grant this license, and authorize to sell
 id beer, to be drank at the above mentioned place, for the period
 e year from this day of , 18 .
 ovided, however, that this license is granted to the said licensee
 idually, and is not transferable or assignable, and is to be exercised
 at the premises above named; provided, also, that shall

not expose for sale, sell or give away any ale or beer between the hours of one and five o'clock in the morning, and that the said premises are to be closed between said hours.

In witness whereof, we have hereunto subscribed our names, this day of , 18 .

Commissioners of Excise in and for the

§ 2156.

Emigrant Pauper — Affidavit of.

See ante, §§ 1854–1856, 1863, 1864.

STATE OF NEW YORK, {
County, } ss :

being duly sworn, says that he is years of age; that he is by occupation a ; that last place of residence before he came to this country was in ; that the foreign port from which embarked for this country was ; that the name of the ship in which he came was ; that the master's name was ; that he arrived in New York on the day of , 18 ; that he was admitted to relief in county, on the day of , 18 ; that inability arises from ; that such inability is likely to be permanent; that he is poor, has no means of support; that he has no relatives or friends in this country able at their own charge to support

Sworn and subscribed before me, this }
day of , 18. }

Affidavit verifying the foregoing account.

Sworn to, this day of }
 , 18 , before me, }

(Signed.)

Kings county justice's order against a person threatening to abandon wife and children, or either, etc.

STATE OF NEW YORK. }
Kings County, City of Brooklyn, } ss:

And, therefore, I order that the said _____ pay to the superintendent of the poor of said county, for the support of said wife and children, weekly and every week, the sum of _____ dollars, for the period of one year from the date of this order; and I do hereby certify the reasonable costs of apprehending and securing the said _____, and of this order, at the sum of _____ dollars.

§ 2160.

See *ante*, §§ 1657-1670, 1693.

We, _____, M. D., of the city of Brooklyn, county of Kings, and _____, M. D., of the city of Brooklyn, county of Kings, physicians, duly licensed to practice as such, according to the laws of the state of New York, do certify that we have examined into, and are acquainted with, the state of health and mental condition of _____, of the city of Brooklyn, in the county of

691

Dated, this day of , 18 .

_____, M. D.
_____ M. D.

Sworn before us, this day of , 18 .
} Justices of the Peace
} of the city of Brooklyn.

Sworn before us, this day of , 18 .
 } Justices of the Peace
 } of the city of Brooklyn.

*Justices of the Peace
of the city of Brooklyn.*

§ 2163.

*The Inebriates' Home for Kings county—Certificate of trustees for transfer of prisoners.**

See ante, §§ 565-567.

To the Hon.
Kings County :"

President of "The Inebriates' Home for

We, the undersigned, trustees of said "Home," do hereby certify that we have determined, pursuant to the by-laws, that now confined in the Kings county for , is a fit and proper subject to be transferred to said "Home;" that the said is aged years and upward; that was born in , and that present residence is ; that is a , having a and children; that has trade, viz.: a ; that occupation is a ; that has been addicted to the use of intoxicating liquors for years; that has been arrested for the same offense times. For vagrancy times. Other offenses times, viz.: that state of health is

OTHER INFORMATION.

} Trustees.

§ 2164.

The Inebriates' Home for Kings county—Certificate of president for transfer of prisoners.

See ante, §§ 565-567.

To the keeper of the Kings county :

I, , president of "The Inebriates' Home for Kings County," do hereby certify that the trustees of said "Home" have determined that , now confined in the for , is a fit and proper person to be transferred to said

* The following is article eight of the by-laws of the Inebriates' Home for Kings County, to wit: "It shall be the duty of the trustees to visit the jail and penitentiary, pursuant to section five of the act of incorporation, at least twice in each month, and oftener if deemed advisable by them, for the purpose of examining into the history and condition of those confined in said institutions for intoxication, or as habitual drunkards, with the view of ascertaining who of the persons so confined are fit and proper subjects to be transferred to said Home. Whenever the trustees shall determine that any person is a fit and proper subject to be so transferred, they shall certify the fact to the president: which certificate shall contain, as near as can be ascertained, the following information: Name and age of the person; where born; residence; whether married or single; if married, the family; trade or occupation; how long addicted to the use of intoxicating liquors; how often arrested or imprisoned for the same; whether ever accused of any other offense, and if so, what, and its disposition; state of health, and such further information as said trustees may deem proper. * * * It shall be the duty of said trustees, when so ordered by a vote of the executive committee, to receive, hold and invest all moneys and other property received by the corporation by gift, devise or bequest; and who shall draw, re-invest and manage the same, paying the principal or interest thereof to the treasurer, when so directed by the executive committee. * * * The trustees shall have power, jointly with the executive committee, to fill any vacancies that may occur in their number."

"Home." You are therefore hereby directed to deliver the said
to the keeper of said "Home," there to be detained pur-
suant to the section of the act entitled "An act to incorporate
'The Inebriates' Home for Kings County,'" passed May 9, 1867.

Dated _____, 18 ____.

President.

§ 2165.

*Certificate on admission of patient to the Inebriates' Home for Kings
county.*

See ante, §§ 563-567.

Case, Folio in register, Date of admission, Sex,
Name,
Age, Frame, Weight, lbs. Color,
Last residence,
Nativity, If a foreigner, number years in U. S.
Occupation,
Married or single, Religion, Committed by,
to county for (time)
Came to "Home" voluntary or otherwise.
Condition on entry.
What education?
Number of previous admissions, if any.
If married what are the present relations?
If widower or widow, what the relations before death of partner?

How many times married.
Whole number of children. Number now living.
When did present fit of intemperance commence?
Is the inebriety irregular, periodical, or habitual?
If periodical, at what periods?
Assumed causes of the habit.
Number of years addicted to intemperance.
Were either parents intemperate?
What liquor generally drank?
Had delirium tremens, if so, how many attacks?
What narcotics used, if any?
How long since was the habit contracted?
What was the inducement?
Has suicide or homicide ever been attempted?
How long without sleep before entering the "Home?"
How long without food before entering the "Home?"
Has patient ever had convulsions?
What other diseases has he suffered from?
If arrested for intoxication (times.)
If ever committed to prison for said offense.
Ever arrested for any other offense?
If so, how disposed of?
Remarks.

Date of leaving, Number of days in the Home,
Health, Weight, lbs.

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